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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ BAIL APPLN. 1600/2025

SANJAY CHAUHAN .....Petitioner

Through: Mr. Vivek Jaiswal and Ms. Shakshi Verma, Advs.

versus

STATE OF NCT OF DELHI .....Respondent

Through: Ms. Priyanka Dalal, APP for State with SI Ranvijay, PS Cyber Central.

CORAM:
HON'BLE MR. JUSTICE ARUN MONGA

<u>O R D E R</u>

% 28.07.2025

1. Applicant herein seeks anticipatory bail in case FIR no. 40/2024 under Sections 419/420/120B of the IPC, registered at P.S. Cyber Police Station, Central. Before approaching this court, his anticipatory bail application was dismissed vide an order dated 05.03.2025 by the learned ASJ, West District, Tis Hazari Courts, Delhi.

2. Matter was earlier heard by a co-ordinate Bench of this Court and the applicant was granted interim protection vide an order dated 28.04.2025, being relevant same is reproduced herein below:

> *"On the applicant joining the investigation on 01.05.2025 at 04:30 PM, at PS Cyber Police Station, Central, and as and when directed by the Investigating Officer, no coercive action shall be taken against the present applicant till the next date of hearing."*

3. Per FIR allegations, one Puneet Chaudhary, a businessman from New

Delhi, received a call from a person claiming to represent Groww Company, inviting him to join a WhatsApp group focused on stock market investment education. After joining, he was introduced to an E-TRADES platform where he was asked to deposit money into various bank accounts to invest in stocks and IPOs.

3.1. Between May 29 and June 7, 2024, Puneet transferred a total of ₹20.7 lakhs across multiple bank accounts, believing the platform was legitimate based on positive stock tips and assurances about escrow compliance. He later realized the platform was fraudulent when discrepancies arose, including suspicious changes in beneficiary accounts and misleading information about the company's official address. Puneet filed a complaint with the National Cyber Crime Reporting Portal. Investigation of his bank accounts confirmed the funds were transferred to two different bank accounts, which have multiple fraud complaints registered against them perpetrating the financial scam.

4. In the aforesaid backdrop I have heard the rival contentions and perused the case file.

5. Learned counsel for the applicant submits that the applicant is a small businessman based in Mumbai and has been named as a co-accused in the chargesheet. Counsel contends that the applicant is, in fact, a victim in the present case, having been defrauded by one Mr. Imran Jaweri (absconding), who allegedly changed the mobile number linked to the applicant's dormant bank account without his knowledge. It is further submitted that another co-accused, Imran Anwar Khan, has already been granted bail. The applicant has no prior criminal record and did not reside with the complainant, as emphasized by learned counsel. He further submits that the applicant is

willing to cooperate with the investigation and seeks protection from arbitrary arrest, asserting the principle that bail is the rule and jail is the exception.

5.1. In support of his plea, counsel relies on Arnesh Kumar v. State of Bihar, (2014) 8 SCC 273, arguing that the purpose of bail is to secure the accused's appearance at trial by imposing a reasonable bail condition. Bail is not intended to be punitive or preventive. Detention should be considered a form of punishment only when necessary to ensure the accused's presence at trial. The courts, he submits, must give more than mere lip service to the principle that punishment should follow conviction, and every individual is presumed innocent until proven guilty through due process.

6. Per contra, opposing the bail application, learned APP appearing for the respondent/State submits that the applicant voluntarily provided the details of his bank account to the co-accused, Imran Anwar Khan, and that a commission of ₹3 lakhs was allegedly shared between them. It is further contended that the applicant disclosed he had handed over the complete banking kit—comprising the internet banking ID, password, cheque book, and ATM card—of his bank account to Imran Anwar Khan for the purpose of securing a loan. Moreover, the applicant allegedly changed the registered mobile number linked to the said account following the instructions of Imran Jaweri, who is absconding. The applicant now claims that he does not know the current whereabouts of co-accused Imran Jaweri, nor is he aware of the transactions totaling ₹2.7 crore that took place in the aforementioned account between 30.05.2024 and 10.06.2024 and is this being evasive and does not dederve any concession from this court.

7. In response to the Court’s query, learned APP submits that following the

interim bail granted to the applicant, he has otherwise joined the investigation and cooperated with the Investigating Officer (IO) by providing the required information regarding the allegations against him. But another accused, Imran Jaweri, is absconding and his whereabouts remain unknown. Despite being questioned on this matter, the applicant has not been able to provide any information about Imran Jaweri's whereabouts to the IO.

8. Pertinently, another co-accused who has been granted bail and one other who was bound down, but not arrested due to their cooperation, were both similarly unable to provide information regarding the absconding accused's location. Consequently, they stand on equal footing with the applicant in this regard.

9. Thus, in light of the above, the mere fact that the applicant is likewise either unable to provide or is unaware of the whereabouts of the absconding co-accused, cannot, at this stage, lead to the presumption that he is not cooperating with the investigation.

10. In the premise, the interim bail previously granted to the applicant is hereby made absolute. However, IO shall cause formal arrest of the applicant and release him on bail on furnishing bail bonds and surety bonds to his satisfaction and subject to the conditions/provision contained in section 482(2) of the BNSS.

11. On doing so, the applicant shall also join the investigation and shall appear before the Investigating Officer, as and when called to do so and would cooperate in the investigation, failing which the State is at liberty to approach this Court seeking cancellation of the protection granted to the applicant.

12. Needless to state that nothing observed hereinabove shall amount to an expression on the merits of the case and shall not have a bearing on the trial of the case as the same is only for the purpose of the disposal of the present bail application.

13. Bail application stands disposed of in the aforesaid terms.

ARUN MONGA, J

JULY 28, 2025/*akc*