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

+ **BAIL APPLN. 1658/2025**

VANDANA SHARMA ALIAS TEENAPetitioner

Through: Mr. Maninder Singh, Senior
Advocate with Ms. Aishwarya
Rao, Ms. Sanjana Nair, Ms. Janvi
Narang, Ms. Anurupita Kaur, Mr.
Sumit Jain and Ms. Venika Nim,
Advocates.

versus

**STATE GOVERNMENT OF
NCT OF DELHI & ORS.**

.....Respondents

Through: Ms. Priyanka Dalal, APP for the
State.
Mr. Harvinder Singh, Mr.
Deepak Kashyap and Mr. Viksit
Kumar, Advocates for
complainant.

**CORAM:
HON'BLE MR. JUSTICE AMIT SHARMA**

ORDER
20.05.2025

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1. This hearing has been done through hybrid mode.
2. The present application under Section 483 of the BNSS seeks regular bail in case FIR No. 128/2022, under Sections 420/467/468/471/120B/174A of the IPC, registered at P.S. EOW.
3. As per the case of the prosecution the present FIR was registered at the instance of complainant Rohitshave Kumar who stated that he is the rightful owner of property measuring 459 sq. Mts., bearing No. 1/4417, Ram Nagar Extension, Main Mandoli Road, Shahdara, Delhi.



The complainant alleged that officials of ICICI Bank had visited his property and enquired about one person, namely, Amrit Mann, who had taken loan on the said property and defaulted the loan instalments. It is alleged that the complainant thereafter enquired and came to know that Gyaneshwar Sharma (father of the present applicant) and others have prepared a forged will and sold the said property to one Amrit Mann *vide* registered sale deed dated 30.01.2019. It is alleged on the basis of this sale deed the co-accused Amrit Mann had taken two home loans amounting to Rs. 4.28 crores from ICICI Bank, Gurugram in 2019. During the investigation it was revealed that the aforesaid accused Amrit Mann who had mortgaged the said property on the basis of forged documents had absconded. It is stated that he has been declared absconder in the present case *vide* order dated 12.10.2023 passed by learned Metropolitan Magistrate.

4. It is the case of the prosecution that during investigation, it was revealed that Gyaneshwar Sharma (who has since passed away) is the father of the present applicant had executed gift deeds with regard to the subject property in favour of Amrit Mann as well as the present applicant. It is the case of the prosecution that in three of the sale deeds the applicant had signed as a witness. It is further submitted that the present applicant knew the said properties belonged to her father-in-law and still signed as a witness to the aforesaid forged sale deeds. It is the case of the prosecution that the money was then siphoned of to bank accounts of M/s Spring Leaf Biotech and M/s Oxyflora.

5. It is submitted that M/s Spring Leaf Biotech is a partnership firm of the present applicant with her sister and as far as M/s Oxyflora is



concerned the present applicant is the sole proprietor. It is further submitted that an amount of Rs. 1.25 crores has been transferred to the bank account of the aforesaid companies. It is also submitted that notices have been issued against the husband and sister of the present applicant for the purpose of investigation. The chargesheet was filed and the matter is pending before the learned Trial Court at the stage of consideration on the point of charge.

6. Learned Senior Counsel appearing on behalf of the applicant submits that the applicant had witnessed the documents at the instance of her father. It is further submitted that the investigation in the present FIR is complete and the evidence are documentary in nature and no useful purpose will be served by keeping the applicant in further judicial incarceration. It is also submitted that in the present case the grounds of arrest as well as the reasons of arrest have not been supplied to the applicant. Reliance has been placed of the judgment of Hon'ble Supreme Court in ***Prabir Purkayastha vs. State (NCT of Delhi), 2024 SCC OnLine SC 934***, and it is pointed out that arrest memo which has been placed on record is similar to the memo which formed the subject matter of the aforesaid decision and the Hon'ble Supreme Court has held that the same was not in compliance with the constitutional mandate. Attention of this Court has been drawn to paragraph 22 of the ***Kshitij Ghildiyal vs. Director General of GST Intelligence, Delhi, 2024 SCC OnLine Del 8949*** wherein it was observed as under:-

“22. While it is not disputed that an arrest memo was furnished to the petitioner at the time of arrest, the issue is regarding furnishing of grounds of arrest “in writing” to the petitioner. While the arrest memo has an acknowledgement signed by petitioner stating that



the grounds of arrest had been explained to him, it is asserted that no grounds of arrest were furnished to the petitioner in writing. This forms the nub of the dispute and the basis for challenging the legality of arrest.”

7. Learned Senior Counsel further submitted that the applicant would also be entitled to the benefit of proviso of Section 437(1) of the CrPC. Reliance has been placed on judgment of the Hon’ble Supreme Court in ***Kalvakuntla Kavitha vs. Directorate of Enforcement, 2024 SCC OnLine SC 2269***. Learned Senior counsel further submitted that the applicant is mother of two children who are currently pursuing their studies and are dependent on her.

8. *Per contra*, learned APP for the State, assisted by learned counsel appearing on behalf of the complainant, submits that the allegations in the present FIR *qua* the present applicant are serious in nature. It is their case that the applicant had not executed the document as a witness on just asking of her father. A deep-rooted involvement is reflected from the money which was credited in the account of the company of which she is a sole proprietor and as well as in the partnership firm. It is further submitted that the applicant is also involved in two other cases of similar nature. One of the cases arises out of the complaint made by her father-in-law. Learned APP for the State further submits notice under Section 41A CrPC was served on the present applicant and in pursuance of which she had joined the investigation and thereafter during the course of the interrogation on the satisfaction of the Investigating Officer she was taken into judicial custody. The arrest memo has been placed on record. It is further submitted that in view of the nature of the allegations as well



as involvement in the present case she does not deserve to be released on bail. Further the applicant is also involved in the following cases:

- 1) **FIR No. 349/2024 dated 03.08.2024 (investigation)**
- 2) **FIR No. (RC No. 25/2005) dated 28.01.2005 under Sections 420/468/471/120B IPC, registered by CBI (pleaded guilty)**
- 3) **FIR No. 204/2013 (convicted under Section 323 IPC)**
- 4) **FIR No. 205/2013 registered at P.S. Mansarovar Park (pending trial)**

9. With regard to the aforesaid involvements learned Senior counsel for the applicant submitted that in the FIR mentioned at S.No .3 the applicant had preferred an application for plea bargaining. In respect to FIR mentioned at S. No. 1 it is submitted that the applicant has not received any notice.

10. Heard learned counsel appearing on behalf of the parties and perused the record.

11. So far as the contention of learned Senior Counsel appearing on behalf of the applicant with regard to non-supply of reasons of arrest, it is seen that the arrest memo which has been placed on record does not mention any specific reason except that for proper investigation of offences. The arrest memo relied upon by the prosecution is similar to the subject matter of the judgment of the Coordinate Bench of this Court in ***Pranav Kuckreja (In Police Custody) vs. State (NCT of Delhi), W.P.(Crl.) 3476/2024 dated 18.11.2024***. Learned Single Judge of this Court after analysing the judgments on the issue observed and held as under:-

“24. It is no longer res integra that grounds of arrest must be



communicated in writing to the arrested individual expeditiously. Providing the grounds of arrest to the person being arrested is of utmost sanctity and significance. This information serves as the fundamental basis for the arrested individual to seek legal advice, challenge the remand, and apply for bail.

25. In the context of present case, it is pertinent to mention that Section 50 Cr. P.C. uses the word “forthwith”. The dictionary meaning of the word “forthwith” as defined in the Shorter Oxford English dictionary on historical principles, fifth edition, volume - 01 A-M is (1) Along with, at the same time; and (2) Immediately, at once, without delay.

26. The term 'forthwith' in legal parlance also generally implies an action that must be taken without unreasonable delay. It suggests promptness and urgency. The expression „forthwith“ has also been defined in Black’s Law Dictionary, 10th Edition as “forthwith, adv. (14c) 1. Immediately; without delay. 2. Directly; promptly; within a reasonable time under the circumstances; with all convenient dispatch”. This implies that the “grounds for such arrest” have to be communicated at the earliest. Reading this otherwise may not justify the requirement of Section 50 Cr. P.C.

27. The Courts, while examining the implementation of procedural safeguards emanating out of the constitutional rights, have to give strict interpretation. Thus, there is no doubt in the mind of this Court that the “grounds of arrest” in compliance of Section 50 Cr. P.C. has to be supplied “forthwith” as discussed above.”

12. It is also noted that the present applicant prior to joining investigation on 20.11.2024 had joined investigation in pursuance of notices issued under Section 41A of the CrPC. The husband and sister of the present applicant not joining the investigation cannot be a ground to deny bail to the present applicant. The evidence is primarily documentary in nature. The applicant has been in custody since 21.11.2024 and the chargesheet is still at the stage of consideration of point of charge.

13. Hon’ble Supreme Court in ***Sanjay Chandra v. Central Bureau of Investigation, (2012) 1 SCC 40*** held as under:-

“21. In bail application generally, it has been laid down from the earliest times that the object of bail is to secure the appearance of the accused



person at his trial by reasonable amount of bail. The object of bail is neither punitive nor preventative. Deprivation of liberty must be considered a punishment, unless it is required to ensure that an accused person will stand his trial when called upon. The courts owe more than verbal respect to the principle that punishment begins after conviction, and that every man is deemed to be innocent until duly tried and duly found guilty.

22. From the earliest times, it was appreciated that detention in custody pending completion of trial could be a cause of great hardship. From time to time, necessity demands that some unconvicted persons should be held in custody pending trial to secure their attendance at the trial but in such cases, “necessity” is the operative test. In this country, it would be quite contrary to the concept of personal liberty enshrined in the Constitution that any person should be punished in respect of any matter, upon which, he has not been convicted or that in any circumstances, he should be deprived of his liberty upon only the belief that he will tamper with the witnesses if left at liberty, save in the most extraordinary circumstances.

23. Apart from the question of prevention being the object of refusal of bail, one must not lose sight of the fact that any imprisonment before conviction has a substantial punitive content and it would be improper for any court to refuse bail as a mark of disapproval of former conduct whether the accused has been convicted for it or not or to refuse bail to an un-convicted person for the purpose of giving him a taste of imprisonment as a lesson”

14. Even as per the case of the prosecution there are other co-accused persons against whom investigation is continuing. In these circumstances, the trial is not likely to conclude any time soon.

15. In totality of the facts and circumstances of the case, the present application is allowed. The applicant is directed to be released on bail, on his furnishing a personal bond of Rs. 50,000/- with one surety of like amount, to the satisfaction of the learned Trial Court/Link Court, further subject to following conditions:

- i. The applicant shall not leave India without prior permission of



the learned Trial Court.

- ii. The applicant shall intimate the learned Trial Court by way of an affidavit and to the Investigating Officer regarding any change in residential address.
- iii. The applicant shall appear before the learned Trial Court as and when the matter is taken up for hearing.
- iv. The applicant is directed to give her mobile number to the Investigating Officer and keep it operational at all times.
- v. The applicant shall not, directly or indirectly, tamper with evidence or try to influence the witness in any manner.
16. The application is allowed and disposed of accordingly.
17. Pending application(s), if any, also stand disposed of.
18. Needless to state, nothing mentioned hereinabove is an opinion on the merits of the case and any observations made are only for the purpose of the present bail application.
19. Copy of the order be sent to the concerned Jail Superintendent for necessary information and compliance.
20. Order be uploaded on the website of this court *forthwith*.

AMIT SHARMA, J

MAY 20, 2025/sn/pr

[Click here to check corrigendum, if any](#)