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

+ **CRL.M.C. 3195/2025 & CRL.M.A. 14068/2025**

STATE NCT OF DELHI

.....Petitioner

Through: Mr. Sanjeev Bhandari, ASC with Mr. Arjit Sharma, Mr. Nikunj Bindal and Ms. Nishtha Dhall, Advocates.
SI Mahipal Singh, Special Cell/ NDR.

versus

VISHAL OBEROI

.....Respondent

Through: Mr. Manu Sharma, Senior Advocate with Mr. Lalit Valecha, Ms. Priyal Jain and Ms. Deeksha Sood, Advocates.
Mr. Ripudaman Bhardwaj, SPP with Mr. Kushagra Kumar, Mr. Abhinav Bhardwaj and Mr. Amit Kumar Rana, Advocates for CBI.
Mr. Amit Tiwari, CGSC with Ms. Ayushi Srivastava and Mr. Ayush Tanwar, Advocates for UOI.

+ **CRL.M.C. 3202/2025 & CRL.M.A. 14086/2025**

STATE

.....Petitioner

Through: Mr. Sanjeev Bhandari, ASC with Mr. Arjit Sharma, Mr. Nikunj Bindal and Ms. Nishtha Dhall, Advocates.
SI Mahipal Singh, Special Cell/ NDR.

versus

VISHAL OBEROI

.....Respondent



Through: Mr. Manu Sharma, Senior Advocate with Mr. Lalit Valecha, Ms. Priyal Jain and Ms. Deeksha Sood, Advocates.

Mr. Ripudaman Bhardwaj, SPP with Mr. Kushagra Kumar, Mr. Abhinav Bhardwaj and Mr. Amit Kumar Rana, Advocates for CBI.

Mr. Amit Tiwari, CGSC with Ms. Ayushi Srivastava and Mr. Ayush Tanwar, Advocates for UOI.

+ **CRL.REV.P. 180/2025 & CRL.M.A. 14071/2025**

STATE

.....Petitioner

Through: Mr. Sanjeev Bhandari, ASC with Mr. Arjit Sharma, Mr. Nikunj Bindal and Ms. Nishtha Dhall, Advocates.
SI Mahipal Singh, Special Cell/ NDR.

versus

VISHAL OBEROI

.....Respondent

Through: Mr. Manu Sharma, Senior Advocate with Mr. Lalit Valecha, Ms. Priyal Jain and Ms. Deeksha Sood, Advocates.

Mr. Ripudaman Bhardwaj, SPP with Mr. Kushagra Kumar, Mr. Abhinav Bhardwaj and Mr. Amit Kumar Rana, Advocates for CBI.

Mr. Amit Tiwari, CGSC with Ms. Ayushi Srivastava and Mr. Ayush Tanwar, Advocates for UOI.



CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **29.05.2025**

1. The above-captioned petitions arise from the proceedings in FIR No. 84/2023, registered at P.S. Special Cell for the offences under Sections 420/468/467/471/384/506/120B of the Indian Penal Code, 1860.¹ The Respondent is arraigned as an accused in the said FIR.
2. The FIR was registered pursuant to a complaint lodged by one Mr. Sunil Kumar Gupta, who alleges that the Respondent, in conspiracy with other co-accused, committed acts of cheating, forgery, and criminal intimidation in relation to property bearing No. PL-3/0202, Paras Quartier, Gurugram. It is alleged that forged title documents were created to falsely project the Respondent as the legitimate owner of the said property, thereby enabling him to pose as its seller. On the strength of these forged documents, a housing loan amounting to ₹3.80 Crore was purportedly sanctioned and disbursed into a bank account linked to the Respondent. The Prosecution further contends that this is not an isolated incident, and the Respondent has benefited from multiple such fraudulently secured loan accounts.
3. During the course of investigation, a notice under Section 41A of the Cr.P.C. was issued to the Respondent, requiring him to join the investigation. However, the Respondent failed to comply with the said notice and was not present at the address available with the investigating agency. This prompted the issuance of Non-Bailable Warrants² against him.

¹ "IPC"

² "NBWs"



Upon failure to execute the NBWs, proceedings under Section 82 of the Cr.P.C. were initiated, culminating in the Respondent being declared a proclaimed person. Despite the issuance of a Look Out Circular,³ the Respondent did not appear before the Investigating Officer. As a result, and on the request of the Investigating Officer, a Red Corner Notice⁴ was issued against the Respondent through INTERPOL on 5th November, 2024.

4. In view of the aforementioned factual backdrop, the Court now turns to the impugned orders, which constitute the subject matter of challenge in the respective above-captioned petitions:

4.1 ***Subject matter of challenge in CRL. M. C. 3195/2025***

On an application filed by the Respondent, the Sessions Court granted pre-arrest bail to the Respondent on 18th March, 2025 subject to certain conditions. The operative portion of the said order, which is challenge in CRL. M. C. 3195/2025, reads as follows:

“Further thereon the applicant/accused shall join the investigation as and when directed by the IO. The applicant/accused shall co-operate during the course of the investigation. The balance amount of Rs. 50 lacs be deposited within a period of three weeks alter the first deposit before the Ld. Trial Court as so done/ in the manner for the first tranche. The interim protection/withdrawal of the coercive process enabling him to physically appear would commence only upon deposit of first Rs. 50 lacs.

Subject to the aforesaid terms and conditions - particularly the deposits of the amount as conceded by the applicant/accused voluntarily and accepted as an integral part of this order the applicant/accused shall join the investigation as and when directed by the IO. Accordingly the present application seeking anticipatory bail is disposed of with the direction that in the event of his arrest the applicant/accused shall be released on bail on furnishing personal bond in the sum of Ra. 2 lacs with one surety in the like amount. Additional conditions are imposed as here under :

(1) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the

³ “LOC”

⁴ “RCN”



facts of the case or tamper with the evidence of the case, in any manner whatsoever;

(2) The applicant shall deposit his passport with the IO/SHO.

(3) The applicant shall provide the address where he shall reside upon his release, and shall not change the address without informing the concerned IO/SHO;

(4) The applicants shall, upon his release, gave his mobile number to the concerned IO/SHO and shall keep his mobile phone switched on at all times.”.

4.2 Subject matter of challenge in CRL. REV. P. 180/2025

Subsequent to the above order, the Sessions Court passed another order on 2nd April, 2025, whereby it modified its earlier decision and directed the deletion of the LOC/RCN issued against the Respondent. This direction is under challenge in CRL. REV. P. 180/2025.

4.3 Subject matter of challenge in CRL. M.C. 3202/2025

Following the afore-noted order dated 02nd April, 2025, the Trial Court also issued a direction on 02nd April, 2025, calling for a reply from the Investigating Agency regarding the status of the RCN. A copy of the said order, forming the subject matter of challenge in CRL. M.C. 3202/2025, has been placed on record by counsel and taken on file.

5. The principal grievance of the State centres on the manner in which the Sessions Court extended protection to the Respondent, and more significantly, on the directions issued for deletion of the RCN and LOC previously issued against him.

6. However, considering the broader interest of justice and to enable a meaningful and expeditious investigation, Mr. Sanjeev Bhandari, ASC for the State, on instructions, adopted a pragmatic and constructive approach. He submitted that the Respondent's presence in India and his cooperation with the Investigating Agency are essential for carrying the investigation to



its logical conclusion. Accordingly, he urged this Court to consider issuing appropriate directions to secure the Respondent's return to India and to ensure that he joins the investigation without further delay.

7. In response, Mr. Manu Sharma, Senior Counsel appearing for the Respondent, submitted that the Respondent is unequivocally willing to join the investigation. However, he urged the Court to ensure that the RCN stands withdrawn in terms of the impugned directions, submitting that its continued subsistence poses a serious impediment to the Respondent's safe return to the country and gravely endangers his liberty and freedom of movement. In light of the submissions noted above, this Court passed a series of orders directing verification of the RCN's status. The Court also requested the assistance of Mr. Ripudaman Bhardwaj, Special Public Prosecutor for the CBI, to clarify whether the RCN remained in force, since any request for its withdrawal would necessarily fall within the domain of the CBI. Today, upon instructions, Mr. Bhardwaj confirms that the RCN issued against the Respondent has since been cancelled. This statement, made on behalf of the CBI, is taken on record.

8. This Court also deems it necessary to record that on 13th May, 2025, Mr. Amit Tiwari, CGSC appearing for the Union of India, had apprised the Court that the LOC earlier issued against the Respondent, pursuant to the RCN, stands revoked. However, he also brought to the attention of this Court another LOC, issued at the instance of the Delhi Police, which continues to remain in force against the Respondent.

9. Furthermore, as per the directions issued by the Court to ensure the Respondent's presence, the Respondent had furnished an undertaking before this Court, to the following effect:



“That I undertake to the Hon'ble Court that within period of 3 to 5 days of the issuance of a formal written confirmation from INTERPOL, Lyon, France or the Commission for the Control of INTERPOL's Files (CCF), stating that the Red Comer Notice (RCN) issued against me stands deleted, quashed, withdrawn, suspended, or is no longer in operation, I undertake to travel directly from UAE to Delhi and appear before the Ld. Trial Court in connection with the FIR bearing No. 84/2023 , P.S. Special Cell, Delhi.

The aforesaid undertaking has been accepted by the Court, and the Respondent is held bound by the same.

10. In light of the above facts, since the RCN has now been revoked, there is no impediment preventing the Respondent from returning to India. Accordingly, the present petitions are disposed of, with the following directions:

- (i) The LOC issued against the Respondent at the instance of Delhi Police in FIR No. 84/2023, P.S. Special Cell is directed to be kept in abeyance, till the investigation is complete.
- (ii) The Respondent shall return to India within a period of five days from today.
- (iii) Immediately upon confirmation of travel, the Respondent shall furnish a copy of his flight tickets and travel itinerary from the United Arab Emirates to India to the Investigating Officer.
- (iv) Within twenty-four hours of his arrival in India, the Respondent shall appear before the concerned Trial Court to mark his presence and for issuance of appropriate directions, in accordance with law.

11. All rights and contentions of the parties are left open. The Court has not examined the merits of the grounds raised and allegations made against the Respondent.



12. Mr. Tiwari is requested to communicate the order passed today to the Bureau of Immigration, for necessary information and compliance.

13. With the aforesaid directions, the present petitions are disposed of, along with pending applications.

14. The copy of the order be also sent to the concerned Trial Court for information and compliance.

SANJEEV NARULA, J

MAY 29, 2025
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