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

\+ BAIL APPLN. 2360/2025 & CRL.M.A. 18784/2025

AMI CHAND .....Petitioner

Through: Mr. B.K. Gautam, Advocate.

versus

STATE OF NCT DELHI .....Respondent

Through: Mr. Mukesh Kumar, APP.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

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

% **04.07.2025**

1. The present application under Section 482 of the Bhartiya Nagarik Suraksha Sanhita, 2023[1] (formerly Section 438 of the Code of Criminal Procedure, 1973[2]) seeks grant of pre-arrest bail in FIR No. 470/2019 dated 26th September, 2019, registered under Sections 419, 420, 468, 471 and 120B of the Indian Penal Code, 1860[3] at P.S. Bharat Nagar.

2. The Applicant's earlier bail application before the Sessions Court was rejected by order dated 5th December, 2024. Since then, the Applicant has been absconding. Nonetheless, bearing in mind that the question of personal liberty is involved, the Court has heard counsel for the Applicant at length.

3. The case of the prosecution emerging from the record is summarised as follows:

3.1. The subject FIR was registered on a complaint made by Ms.

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[1] "BNSS"
[2] "CrPC"
[3] "IPC"

Harminder Kaur Anand, who alleged that in the year 2011, she had purchased a property bearing No. A-17/5, Second Floor, admeasuring 147 sq. yards, situated at Rana Pratap Bagh, Delhi[4] for a sum of INR 22 lakhs from Ms. Santosh Bhatteja and Ms. Aditi Bhatteja. The sale deed was executed on 1st November, 2011, at the office of the Sub-Registrar, VI-A, New Delhi. She further stated that the property was rented out until 2013-2014 and has remained vacant since then.

3.2. On 13th November 2018, during a visit to the property, she was informed by the neighbours that certain unknown individuals had been frequenting the premises. Her son-in-law also handed her a notice dated 26th October, 2026, filed under Section 13(2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002,[5] which was pasted on the subject property. The said notice indicated that one Ashok Kumar Jaiswal had taken a loan of INR 75 lakhs by mortgaging the subject property with AU Housing Finance Limited. The Complainant alleged that Ashok Kumar Jaiswal had fraudulently forged documents pertaining to her property and obtained the loan in collusion with officials of the finance company.

3.3. During investigation, original loan documents and supporting records were obtained from AU Housing Finance Limited. It was revealed that INR 75 lakhs had been sanctioned to Ashok Kumar Jaiswal for the purchase of the subject property, with the loan amount credited on 26th October, 2015, to Account No. xxxxxxxx136, purportedly belonging to one Harminder Kaur Anand. However, upon further verification, it was found that no person by

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[4] "the subject property"
[5] "SARFAESI Act"

this name resided at the address linked to the bank account. Investigation uncovered that the subject property had been fraudulently transferred to Ashok Kumar Jaiswal through a forged sale deed dated 6^{th} November, 2015, executed by an imposter, posing as the Complainant. The forged sale deed, bearing manipulated photographs of the Complainant and the original sellers, was also submitted to the finance company. It was later discovered that Ashok Kumar Jaiswal had passed away on 18^{th} January, 2017.

3.4. The statements of the sellers – Ms. Santosh Bhatteja and Ms. Aditi Bhatteja, were recorded. Both confirmed that they had sold the subject property to Harminder Kaur Anand, an elderly woman, and affirmed her as the genuine buyer.

3.5. A notice was issued to the State Bank of India (formerly State Bank of Travancore), where the purported account of Harminder Kaur Anand was maintained. Examination of the bank statement revealed that INR 71,69,555/- had been credited to Account No. xxxxxxxx136 on 7^{th} November, 2015. Subsequent transactions showed major fund transfers as follows:

i. INR 30,00,063/- to Mahavir Trading Company on 7^{th} November, 2015.

ii. INR 11,20,063/- to Suhail Chauhan on 9^{th} November, 2015.

iii. INR 7,20,063/- to Nitin Verma on 9^{th} November, 2015.

iv. INR 19,00,063/- to Mahavir Trading Company on 10^{th} November, 2015.

3.6. In connection with these transactions, Mr. Roshan Manchanda @ Pankaj Sachdeva, proprietor of Mahavir Trading Company, was arrested on 3^{rd} December, 2024. Thereafter, on 4^{th} December, 2024, Suhail Chauhan and

Nitin Verma were also arrested as alleged beneficiaries of the fraud.

4. Counsel for the Applicant makes the following submissions seeking pre-arrest bail:

4.1. The Applicant has been falsely implicated in the present matter. He has merely acted as a witness to the transaction of the alleged forged sale deed, whereas the conspiracy was allegedly orchestrated by Puneet Chandok, the main accused, and other co-accused persons.

4.2. The Applicant was employed with the firm owned by the main accused, serving purely in the capacity of a salaried employee. He had no independent role, personal stake or financial benefit arising from the alleged fraudulent transaction.

4.3. The allegations levelled against the Applicant are, at their core, civil in nature. The FIR has been lodged to impart a criminal colour to what is essentially a contractual or civil dispute, thereby subjecting the Applicant to undue harassment and coercive pressure.

4.4. There exist no possibility of the Applicant tampering with the evidence, as the case primarily rests on documentary records, which are already in the possession of the investigating authorities.

4.5. The Applicant is the sole breadwinner of his family and is ready and willing to cooperate with the investigation, as and when required by the IO. Custodial interrogation of the Applicant, at this stage, would serve no useful purpose, particularly when the investigation is documentary in nature and such interrogation is neither warranted nor necessary.

5. Mr. Mukesh Kumar, APP for the State, on the other hand, strongly opposed the Applicant's request.

5.1. The investigation is still at a nascent stage. The offences alleged against the Applicant are of a grave and serious nature, involving property fraud, cheating and criminal conspiracy. Preliminary investigation has uncovered significant financial transactions between the Applicant and Mr. Roshan Manchanda, proprietor of M/s Mahavir Trading Company, who is a primary accused in the present case.

5.2. It has further come to light, that the Applicant is also implicated in FIR No. 1036/2023, registered at P.S. Shahbad Dairy, Delhi, wherein he allegedly impersonated one 'Sanjay Gujral' and executed a forged chain of property documents. The Applicant was arrested in that case on 27th June, 2023 and is currently out on regular bail. Pertinently, the same co-accused – Roshan Manchanda and Nitin Verma – who are involved in the present case, were also arrested in connection with that FIR, indicating the Applicant's active role in a continuing and well-coordinated conspiracy to perpetrate similar fraudulent schemes.

5.3. The Applicant does not have clean antecedents and is involved in at least five other criminal cases, each involving similar allegations of grave and serious offences, demonstrating a pattern of habitual criminal conduct.

5.4. The Applicant, along with other accused persons, has been absconding and has failed to co-operate with the investigation despite repeated notices. In such circumstances, custodial interrogation of the Applicant is essential to unravel the whole conspiracy.

6. The Court has carefully considered the aforenoted contentions including the material on record.

7. The subject FIR pertains to economic offence involving property fraud, forged documents and a web of financial transactions aimed at siphoning off significant amounts through co-ordinated acts of criminal

conspiracy. The investigation conducted so far indicates that the Applicant has participated in the forgery of sale deed executed between an impersonator posing as the Complainant and Mr. Ashok Kumar Jaiswal. While the Applicant has sought to minimize his role as that of a mere witness, the evidence placed on record *prima facie* suggests active complicity rather than passive involvement.

8. Further, the material on record reveals the Applicant's involvement in multiple other criminal cases of similar nature, including FIR No. 1036/2023, involving allegations of impersonation and property fraud. The economic offences involving conspiracies and defrauding of innocent persons pose a serious threat to societal interests and require greater caution while considering bail, given the possibility of tampering with evidence and the need for thorough investigation.

9. Moreover, the financial trail unearthed during investigation, including substantial transfers to and from the Applicant's accounts and those of co-accused Roshan Manchanda, further establish the necessity of custodial interrogation. Such interrogation is imperative not only to confront the Applicant with documentary and oral evidence, but also to trace the complete flow of misappropriated funds, identify additional conspirators, and secure vital leads necessary for a comprehensive investigation.

10. The Applicant's antecedents, including involvement in multiple similar offences, and his evasion of the investigative process, strengthen the apprehension that he may influence witnesses, tamper with evidence, or obstruct further investigation if granted protection from arrest.

11. In view of the foregoing, this Court is of the considered opinion that the request of the State for custodial interrogation is well-founded and

necessary to advance the investigation and secure the interests of justice. Accordingly, no ground is made out to grant pre-arrest bail to the Applicant.

12. Needless to state, any observations concerning the merits of the case are solely for the purpose of deciding the question of grant of bail and shall not be construed as an expression of opinion on the merits of the case.

13. Dismissed along with pending application.

SANJEEV NARULA, J

JULY 4, 2025/as