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

+ **BAIL APPLN. 2947/2025 & CRL.M.A. 22838/2025**

SANDEEP KUMAR

.....Petitioner

Through: Mr. Anupam Jindal and Mr. P. R. Chauhan, Advs.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Satish Kumar, APP for the State with SI Kavish Rana, PS Lahori Gate.
Complainant in person.

CORAM:

HON'BLE MR. JUSTICE AJAY DIGPAUL

ORDER

06.08.2025

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1. The present application arises out of FIR No. 444/2025 registered under Section 316(4) of the Bharatiya Nyaya Sanhita, 2023 (hereinafter "BNS") at P.S. Lahori Gate, Delhi, on the complaint of one Bhupender Singh (hereinafter "complainant"), Manager at M/s Mehta Interstate Corporation. Apprehending his arrest, the applicant has invoked the jurisdiction of this court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter "BNSS") read with Section 528 of BNSS praying for grant of anticipatory bail.

2. As per the case of the prosecution, the applicant, Sandeep Kumar, was employed as a recovery agent by the complainant's company and was responsible for collecting payments from clients. Between January 2025 and



February 2025, the applicant is alleged to have collected a sum of Rs. 10,32,512/- on behalf of the company but failed to deposit the same.

3. It is stated that upon being questioned, the applicant admitted to retaining the amount and promised to deposit it within six days. However, after 05.02.2025, the applicant allegedly switched off his mobile phone and remained untraceable. Consequently, the FIR was lodged on 11.05.2025.

4. The applicant previously moved an application for anticipatory bail before the Ld. Additional Sessions Judge, Tis Hazari Courts. The Investigating Officer (hereinafter "IO"), in his reply to this application, stated that a notice under Section 35(3) of BNSS was served to the applicant through his father at his residence in Hanumangarh, Rajasthan. Despite service of notice, the applicant failed to join the investigation and is reported to be absconding.

5. This application was subsequently dismissed on 19.07.2025 for non-cooperation in the investigation as well as considering the gravity of offence and seriousness of the allegations levelled against him. The present application is a subsequent plea for anticipatory bail before this Court.

6. It is the applicant's case that he has been falsely implicated due to ongoing employment disputes with the complainant, including non-payment of salary, overtime, and denial of statutory benefits. He contends that the dispute is civil in nature and that the FIR has been lodged maliciously as a coercive tactic.



7. Learned APP has objected present application with vehemence and submitted that the investigation is at an early stage and the applicant has not joined the investigation even after being served with notice.

8. Upon considering the submissions advanced on behalf of the applicant and the State, and perusing the material placed on record, this Court is of the view that the investigation in the present case is at a nascent stage. The FIR in question has been registered only recently, on 11.05.2025, and the investigative process is still underway.

9. The allegation against the applicant pertains to misappropriation of an amount of Rs. 10,32,512/- collected by him in the course of his employment. Such allegations, if established, constitute an economic offence which has wider ramifications on public trust and commercial dealings. It is well settled that economic offences require deeper scrutiny as they are not confined to mere financial loss to an individual, but often impact the financial health of an organisation and public faith in systemic integrity.

10. Further, despite issuance of notice under Section 35(3) BNSS to the applicant at his native address in Rajasthan, he has failed to join the investigation. Non-cooperation with the investigative process, especially in economic offences, weighs heavily against the grant of pre-arrest protection. The custodial interrogation of the applicant is essential not only to trace the flow of funds and identify any beneficiaries, but also to understand the modus operandi adopted and the exact timeline of the transactions involved, particularly if the period of alleged misappropriation stretches beyond



January 2025, as is apprehended by the investigating agency.

11. At this stage, when the investigation is in its early stages and crucial facts remain to be unearthed, this Court is not inclined to invoke its discretionary jurisdiction under Section 438 BNSS to grant anticipatory bail. The petitioner has not demonstrated any compelling ground to warrant pre-arrest protection, particularly when he has failed to join the investigation and the allegations involve financial misconduct of a serious nature.

12. In view of the foregoing, this Court finds no merit in the present application. Accordingly, the application is dismissed.

AJAY DIGPAUL, J

AUGUST 6, 2025/AS