



2025:DHC:9120



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IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 13.10.2025

+ BAIL APPLN. 3181/2025

SUMANT BATRA

.....Petitioner

Through: Mr. Aman Sareen, Mr. Nishant Pathak, Mr. Gurpratap Singh, Mr. Raunak Wahi, Advocates.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Yudhvir Singh Chauhan, APP with SI Arvind Kumar, SI Satyam Pandey, PS-Greater Kailash.

Ms. Nancy Shamim, Mr. Shivam Tyagi, Ms. Sejal Dhamija, Advocates for R-2 with R-2 in person.

CORAM:-

HON'BLE MR. JUSTICE RAVINDER DUDEJA

JUDGMENT (ORAL)

RAVINDER DUDEJA, J.

1. This is an application filed on behalf of the applicant/petitioner Sumant Batra in case FIR No. 0129/2023, under Section 420/406/120B/34 IPC, PS Greater Kailash-I, New Delhi.

2. The FIR was lodged on the complaint of Rajender Sharda, Director of Sheesh Mahal Properties Pvt. Ltd., alleging that the



directors of Bee K Bee Prints Pvt. Ltd., namely Surender Kumar Batra, Rajan Batra, Veena Batra, Neeraj Batra, and Aman Batra, in conspiracy with others, cheated him by inducing him to enter into an agreement to sell dated 15.03.2022 for a property in Faridabad for Rs. 1.05 crore, receiving Rs. 95 lakh through RTGS in the company's account but later failing to execute the sale deed and instead selling the same property to another party on 30.01.2023, thereby committing offences under Sections 420/34 IPC.

3. Learned counsel for the applicant submits that the co-accused, who was named in the FIR, has already been granted bail by this Court on 28.08.2025, whereas the present applicant's name does not find mention either in the FIR or in the first chargesheet. It is submitted that the applicant was arrested on 13.11.2024 and, subsequent thereto, only a two-page supplementary chargesheet was filed by the Investigating Officer. It is urged that the applicant had no role in the execution of the sale agreement, which was signed by co-accused, Surender Batra, and that the money in question was received in the account of Bee K Bee Pvt. Ltd., a company in which the applicant was neither a director at the relevant time nor a beneficiary. It is further submitted that Bee K Bee is a joint family company, and the co-accused Aman Batra, who was a director and signatory to the agreement, has already been granted bail. It is lastly submitted that no incriminating material has been recovered from the applicant, the



investigation qua him stands concluded, and he has been in custody for over eleven months.

4. Learned APP for the State submitted that, as per the nominal roll, more than thirty-four cases of a similar nature are pending against the applicant. It is submitted that on the very day the complainant made the payment, an amount of Rs. 95 lakhs were transferred to the account of the applicant's firm, SAF Impex, in which he is a partner with co-accused Aman Batra and the said amount was utilized to repay a bank debt. It was further submitted that the applicant is also a signatory in SAF Impex as well as in BEE K BEE Prints Pvt. Ltd., and that as per the agreement to sell dated 15.03.2022, the applicant had signed as a witness to the transaction. It was lastly urged that given the applicant's antecedents and the pendency of multiple criminal cases, he does not deserve the concession of bail.

5. In rebuttal, it is submitted that out of the pending cases, four FIRs are the same as those registered against the co-accused Aman Batra, while the remaining thirty cases pertain to offences under Section 138 of the NI Act. It is further submitted that the applicant has already been granted protection in respect of the NI Act cases.

6. Having heard the learned counsel for the parties and perused the material placed on record, it emerges that the name and role of the present applicant does not figure in the FIR or even in the first chargesheet filed in the case. The FIR, as well as the primary investigation, attribute the role of inducement, negotiation, and



execution of the agreement to sell primarily to co-accused Surrender Batra, who was directly involved in the transaction and execution of the agreement dated 15.03.2022. The applicant came to be implicated only in the supplementary chargesheet filed subsequent to his arrest, which, as noted, is a brief document of two pages without any substantial addition to the evidence already collected.

7. It is also pertinent to note that the co-accused Aman Batra, who was named in the FIR, and who appears to have played a more direct role as a signatory to the transaction and partner in the firm SAF Impex, has already been granted bail by this Court on 28.08.2025. The principle of parity therefore comes into play, as the roles attributed to the present applicant and the said co-accused are almost identical in nature. While the learned APP has relied upon the fact that the applicant is a partner in SAF Impex, in which Rs. 95 lakhs were allegedly credited, the same circumstance also stands against co-accused Aman Batra, who is also a partner to the company. No specific material has been brought on record to suggest that the applicant was a direct beneficiary of the transaction between the complainant and Bee K Bee or that he had any independent role in inducing the complainant to part with the money.

8. Further, it is not disputed that the investigation in respect of the applicant stands concluded and the charge sheet as well as the supplementary chargesheet has already been filed and the evidence is mainly documentary in nature and in the possession of the



investigating agency. The applicant has been in custody for over eleven months, and no further custodial interrogation is warranted. The apprehension expressed by the prosecution regarding other pending cases against the applicant also does not carry sufficient weight in the present matter, as it has been clarified that four of those FIRs are common with those of the co-accused and in two of the FIRs the complainant is the same, and the remaining are proceedings under Section 138 of the Negotiable Instruments Act, in which the applicant has already been granted protection.

9. The settled principle that bail is the rule and jail the exception also guides the Court in favour of granting liberty where the continued incarceration serves no further investigative purpose. In the case of ***Sanjay Chandra Vs. CBI, (2012) 1 SCC 40***, the Supreme Court observed as under:

"21. In bail applications, 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 unconvicted person for the purpose of giving him a taste of imprisonment as a lesson.

24. In the instant case, we have already noticed that the "pointing finger of accusation" against the appellants is "the seriousness of the charge". The offences alleged are economic offences which have resulted in loss to the State exchequer. Though, they contend that there is a possibility of the appellants tampering with the witnesses, they have not placed any material in support of the allegation. In our view, seriousness of the charge is, no doubt, one of the relevant considerations while considering bail applications but that is not the only test or the factor : the other factor that also requires to be taken note of is the punishment that could be imposed after trial and conviction, both under the Penal Code and the Prevention of Corruption Act. Otherwise, if the former is the only test, we would not be balancing the constitutional rights but rather "recalibrating the scales of justice".



25. The provisions of Cr PC confer discretionary jurisdiction on criminal courts to grant bail to the accused pending trial or in appeal against convictions; since the jurisdiction is discretionary, it has to be exercised with great care and caution by balancing the valuable right of liberty of an individual and the interest of the society in general. In our view, the reasoning adopted by the learned District Judge, which is affirmed by the High Court, in our opinion, is a denial of the whole basis of our system of law and normal rule of bail system. It transcends respect for the requirement that a man shall be considered innocent until he is found guilty. If such power is recognised, then it may lead to chaotic situation and would jeopardise the personal liberty of an individual.

46. We are conscious of the fact that the accused are charged with economic offences of huge magnitude. We are also conscious of the fact that the offences alleged, if proved, may jeopardise the economy of the country. At the same time, we cannot lose sight of the fact that the investigating agency has already completed investigation and the charge-sheet is already filed before the Special Judge, CBI, New Delhi. Therefore, their presence in the custody may not be necessary for further investigation. We are of the view that the appellants are entitled to the grant of bail pending trial on stringent conditions in order to ally the apprehension expressed by CBI."

10. In view of the above facts and circumstances, considering that the name of the applicant does not appear in the FIR or the initial chargesheet, that his role is at best similar to that of the co-accused who has already been granted bail, and that he has been in custody for a considerable period with investigation now complete and also the fact that the trial may take long time to conclude, this Court finds it a



fit case to extend the benefit of bail to the applicant on the ground of parity and absence of direct incriminating material. Accordingly, the present bail application is allowed. The applicant be released on bail, subject to his furnishing a personal bond of Rs. 30,000/- with one surety of the like amount to the satisfaction of the Trial Court/Duty MM, subject to the following conditions:-

- a) that applicant shall cooperate during trial;
- b) that applicant shall not leave the country without the prior permission of the trial court;
- c) that applicant shall share his mobile number with the Investigating Officer and the trial court and shall keep it operational all times;
- d) that in case of change of residential address, the applicant shall immediately bring the same to the notice of the trial court/Investigating Officer.

11. Nothing stated in this order shall tantamount to an expression on the merits of the case.

12. Copy of this order be sent to Jail Superintendent for information and compliance.

RAVINDER DUDEJA, J.

OCTOBER 13, 2025/na