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

\+ BAIL APPLN. 3393/2025

SAHIL KHATRI .....Petitioner

Through: Mr.Syed Shakeel Husain and Mohd. Nadeem, Advocates

versus

STATE GOVT OF NCT OF DELHI .....Respondent

Through: Ms.Richa Dhawan, APP for the State alongwith SI Sunil Kumar, P.S.- Special Cell

CORAM:
HON'BLE MR. JUSTICE ARUN MONGA

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

% 18.09.2025

1. The applicant herein is before this Court seeking regular bail, having remained under incarceration since 28.12.2024 in a criminal case arising out of FIR No. 0317/2024 dated 24.07.2024 for the alleged offences punishable under Section 342/370/420/120B of the IPC and under Sections 10/24 of Emigration Act, 1983, registered at Police Station Special Cell, Delhi.

2. Briefly speaking, the case set up by the complainant is that:-

2.1 In March 2024, the complainant (Ashwini Kumar) was lured with a promise of a data entry job in Dubai for Rs. 40,000/- and was recruited by Ali Khumeni, who posed as a recruiter. He was sent to Dubai on Indigo Flight No. 6E1249 and taken to a call centre in Cedar Park, DIP, where he underwent seven days of training and was prohibited from leaving the campus or speaking to outsiders.

2.2 The complainant later discovered that the job involved making calls using UK mobile numbers to commit cyber fraud targeting Indians. On refusing to cooperate, he and others were threatened, assaulted, and warned of arrest. On 02.05.2024, they were shifted from Dubai to Bangkok (Emirates Flight EK0376) and then taken to Krong Poi Pet, Cambodia, where their passports were seized and never returned.

2.3 Around 600 Indians were confined in two companies in the Cambodian complex, kept under harsh conditions, and forced to work against their will. The operation involved luring Indians into fake schemes, and Telegram groups were used to give instructions and monitor the inmates.

2.4 On 15.07.2024, during outing hours, the complainant and other victims escaped to the Indian Embassy in Cambodia, which provided them protection and arranged their return to India after completing legal formalities.

2.5 The complainant alleged that several Indians acted as HR managers for the Chinese-headed companies and recruited unemployed youths from Punjab, Kashmir, and other states. His friend Raman was recruited by Sahil Khatri (Applicant herein) and Karan for Rs. 65,000/- (Rs. 55,000/- paid). Another girl from Gujarat, Zoyii, worked as an accountant and handled fake bank accounts used for collecting cheated money.

2.6 The complainant submitted WhatsApp chats, geo-locations, and screenshots showing the location of the call centre and sought immediate legal action. Based on the complaint, prima facie offences under Sections 342/370/420/120B IPC and 10/24 of the Emigration Act, 1983 were made out, and the aforesaid FIR was registered.

3. In the aforesaid backdrop, I have heard the rival contentions and perused the case file.

4. Learned counsel for the applicant would *inter alia* argue on the lines of grounds pleaded in the petition as below:-

4.1 That the Applicant has been falsely implicated at the instance of interested persons. He has been in judicial custody since 28.12.2024, and has thus faced incarceration for more than 8 months without conclusion of trial. Such prolonged incarceration of an un-convicted person amounts to punishment prior conviction and violates Article 21 of the Constitution of India.

4.2 That the FIR alleges a large-scale trafficking and cheating racket operated by principal conspirators stationed abroad (Dubai/Cambodia). However, the Applicant's name surfaces only in relation to victim Raman, his childhood friend and the sole individual to have mentioned him. The Applicant merely extended financial and moral assistance to Raman to secure employment and subsequently suggested that he approach the authorities. It is also significant that the complaint was filed by a third party, Ashwani, and not by Raman himself, thereby weakening the direct accusation against the Applicant. It is further submitted that none of the numerous other victims identified in the case have named or implicated the Applicant in any manner.

4.3 That the only banking transaction attributed to the Applicant is receipt of ₹40,000/- from Raman, which was transferred entirely to Karan after adding ₹10,000/- from the Applicant's own funds, clearly reflecting absence of any commercial motive or gain. The alleged cash payment of ₹25,000/- to the Applicant is wholly unsubstantiated, with no receipt, witness, CCTV footage, UPI trail, electronic record, or corroborative statement to support the claim.

4.4 That no recovery whatsoever has been effected from the Applicant, and the applicant has no *prima facie* nexus with the core conspiracy. Moreover, no electronic devices, forged documents, proceeds of crime, tickets, passports, or other incriminating articles have been recovered from him. There are no CDRs, WhatsApp chats, Telegram group data, email records, or forensic extractions showing any contact between the Applicant and the principal conspirators (Ali Khumeni @ Gazi, Sahil Sharma, Mandeep Kaur, Lucky, etc.). The only link established is with co-accused Karan @ Charanjeet, to whom the Applicant made a single good-faith transfer.

4.5 That the charge sheet dated 14.09.2024 and supplementary charge sheet dated 14.02.2025 do not expand the Applicant's role or introduce any new incriminating material against him. The Learned counsel further submits that the Ld. Sessions Court dismissed the Applicant's bail application on 30.05.2025 largely on the gravity of the overall offence rather than on specific material *qua* the Applicant. The impugned order conflates the Applicant's limited role with that of the main conspirators by broadly describing the entire operation as an "organized syndicate," without appreciating that the Applicant's alleged role is confined to a single, isolated transaction.

4.6 That the Ld. Sessions Court further erred by accepting the prosecution's uncorroborated labeling of the Applicant as an "HR" or individual who "conned" the victim, despite there being no material on record showing that he performed any function beyond facilitating an introduction. Moreover, the reliance on general apprehensions of witness tampering or evidence destruction in the impugned order is misplaced, particularly when all material evidence stands seized and no specific allegation is made against the Applicant. Additionally, the order failed to notice the fundamental discrepancy in the prosecution case that the allegation of a ₹65,000/- payment finds no support in the charge sheet, which records only a ₹40,000/- transaction, thereby rendering the prosecution story *prima facie* doubtful.

4.7 That co-accused Karan @ Charanjeet Singh has been granted bail by this Court on 21.08.2025 on findings of limited role, absence of knowledge of trafficking design, and good-faith conduct. The Applicant stands on an even better footing, as he is neither a travel/ticketing agent, nor a beneficiary of any profit, had no contact with any other accused, and was named only by Raman in a personal context unrelated to the syndicate's operations. Thus, the applicant deserves the grant of bail on the ground of parity with co-accused Karan.

4.8 That custodial interrogation of the Applicant is complete, no further recovery is pending, and investigation qua him stands concluded. The trial has commenced, charges are yet to be framed, and continued incarceration serves no useful purpose and would amount to pre-trial punishment.

4.9 That the Applicant has clean antecedents, is a permanent resident of Delhi with deep roots in society, and undertakes to abide by any condition imposed by this Hon'ble Court, including surrender of passport, sharing of mobile location, and regular appearances before the Trial Court.

4.10 Lastly, learned counsel places reliance on ***Sanjay Chandra v. CBI (2012) 1 SCC 40***, ***Dataram Singh v. State of U.P. (2018) 3 SCC 22***, and ***Gudikanti Narasimhulu v. Public Prosecutor (1978) 1 SCC 240***, which reiterate the settled principle that "*bail is the rule and jail the exception*." Counsel further relies on ***Hridaya Ranjan Prasad Verma v. State of Bihar (2000) 4 SCC 168*** to submit that absence of mens rea or dishonest inducement at the inception is fatal to a charge of cheating. Considering the Applicant's prolonged custody since 28.12.2024, absence of mens rea or dishonest gain, lack of any digital nexus or recovery, and parity with co-accused Karan (who has already been enlarged on bail), it is urged that the Applicant is entitled to bail pending trial.

5. Opposing the submissions, the learned APP submits that the applicant/accused Sahil Khatri is part of a network that lured victims abroad on the pretext of computer jobs and trapped them in fake investment centres. Complainant Raman specifically alleged that the accused, with associates Charanjeet @ Karan, Mandeep Kaur and Sahil Sharma, facilitated his travel to Cambodia and arranged his visa, ticket and job. Raman produced WhatsApp chats showing that, on the applicant's instructions, he transferred ₹40,000/- and paid ₹25,000/- in cash, out of which ₹60,000/- was sent to Charanjeet @ Karan and ₹5,000/- was kept as commission. The accused also disposed of his phone to mislead the investigation. It is apprehended that, if released, he may threaten witnesses, tamper with evidence, abscond or commit similar offences, especially since co-accused are yet to be arrested. Hence, bail is strongly opposed.

6. *Per contra*, learned counsel for the applicant would argue that the applicant is a childhood friend of Karan @ Charanjeet Singh and they keep helping each other from time to time. As regards the amount of Rs.40,000/- that was remitted in his account, against that he had subsequently also

transferred Rs.50,000/- in the account of Karan @ Charanjeet Singh and therefore, the remittance of money in his account, *per se* cannot be a proof of culpability.

7. Learned APP for the State would though, argue that it is the other way around i.e. Karan @ Charanjeet Singh's case is on lesser footing and as per the statement of the complainant in the FIR, not only the applicant herein i.e. Sahil Khatri has been specifically named, but even otherwise the remittance of the money also took place in his account and thus, he is the first point of reference in the entire chain of events and mastermind of the conspiracy.

8. The arguments have though been noted, but I am of the view that the same are all matter of merits and can only be thrashed out at the appropriate stage by the learned Trial court and cannot be the grounds to deny bail at this stage to the applicant given the duration of incarceration already undergone by him.

9. Having heard the contentions of the parties, it transpires that the role attributed to the co-accused Karan @ Charanjeet Singh stands on higher footing and since, he has been granted bail, I see no reason why on the ground of parity as well applicant be not granted the same concession of bail, apart from other reasons as already noted hereinabove.

10. Moreover, The applicant has already remained in custody since 28.12.2024, for more than 8 months. This prolonged pre-trial detention, coupled with the slow progress of proceedings, are contributory factors for bail and further continued incarceration would cause undue hardship to the applicant's family and serve no useful purpose, especially when the trial is not likely to conclude in the near future as it violates the fundamental rule i.e. *bail is the rule and jail an exception*.

11. As regards the apprehension of tampering with evidence, there is nothing on record to suggest that he would interfere with evidence, or influence witnesses. There is also no likelihood of the applicant absconding, given that he is a well-settled individual, has deep roots in society and hence not a flight risk.

12. Considering that the primary purpose of bail is to secure the presence of the accused during trial, coupled with the fact that the applicant poses no risk of absconding, his continued detention at this stage would serve no purpose other than to punish him prior to conviction.

13. As an upshot and taking a wholesome view of the matter, particularly the undertaking given by learned counsel for the applicant and apart from what has been recorded hereinabove, I am of the view that it is a case of bail at this stage.

14. Thus, the applicant is directed to be released on bail on his furnishing personal bond with solvent surety of like amount to the satisfaction of the Trial Court/Duty Judge concerned as the case may be, subject to the other usual conditions to be imposed by the learned Trial Court/Duty Court.

15. Any observation made herein above is only for the purpose of disposing of the instant bail application and not to be construed, in any manner, as any expression on the merits of the pending case and the trial shall proceed without being influenced either way by the same.

16. Accordingly, the bail application, along with pending application stands disposed of.

ARUN MONGA, J

SEPTEMBER 18, 2025/dy