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

\+ BAIL APPLN. 4077/2025

SUFIYAN MIRZA .....Petitioner

Through: Mr. Rajeev Khanna, Advocate

versus

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

Through: Mr. Manoj Pant, APP for the State with Ms. Vasudha Data, Mr. Pardeep Soni, Advocates and SI Sanjay
Mr. A. K. Suri, Mr. Ankit Kansal and Mr. Sumbul Nizam, Advocates for complainant

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\+ BAIL APPLN. 4078/2025

FAIZAN MIRZA .....Petitioner

Through: Mr. Rajeev Khanna, Advocate

versus

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

Through: Mr. Manoj Pant, APP for the State with Ms. Vasudha Data and Mr. Pardeep Soni, Advocates
Mr. A. K. Suri, Mr. Ankit Kansal and Mr. Sumbul Nizam, Advocates for complainant

CORAM:
HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

O R D E R

% **29.10.2025**

CRL.M.A. 31724/2025 (exemption) in BAIL APPLN. 4077/2025

CRL.M.A. 31725/2025 (exemption) in BAIL APPLN. 4078/2025

1. Allowed, subject to all just exceptions.

2. Applications stand disposed of.

BAIL APPLN. 4077/2025 & BAIL APPLN. 4078/2025

1. By way of these applications, the applicants seek grant of anticipatory bail in case arising out of FIR bearing no. 120/2025, registered at Police Station Jyoti Nagar, Delhi, for the commission of offence punishable under Sections 109(1)/3(5) of the Bharatiya Nyaya Sanhita, 2023 (hereafter '*BNS*').

2. Issue notice. Mr. Naresh Kumar Chahar, the learned APP accepts notice on behalf of the State.

3. Briefly stated, the facts of the present case are that the present FIR was registered on the statement of the complainant, namely Azam Faridi, who had stated that he and his relative, Ali Jaan Alvi, came into contact with applicant Faizan Mirza through his brother-in-law, which led to the development of a relationship of trust and confidence between them. It is alleged that the complainant and his relative paid a total sum of ₹17,50,000/- to the accused's firm, Jannat Tour & Travels, including a cash payment of ₹1,00,000/- made to applicant Sufiyan Mirza, for arranging their Hajj journey. However, the accused failed to fulfill his promise and had allegedly misappropriated the said amount for his personal use. On the basis of the said allegations, an FIR under Sections 318(4)/3(5) of the BNS was registered at Police Station Daryaganj, Delhi, against the co-accused Faizan Mirza and his brother/present applicant Sufiyan Mirza.

4. The learned counsel for the applicant submits that there was no

dishonest intention on the part of the applicant at any stage. It is argued that the dispute, if any, is purely of a civil nature arising out of a monetary transaction relating to Hajj arrangements and does not attract the ingredients of the alleged offences. It is further argued that the applicant is ready and willing to pay the said amount to the complainant and has no intention to evade his liability, if any. The learned counsel submits that the alleged amount involved is comparatively small, and the applicant's conduct in expressing his readiness to make payment clearly reflects his bona fides.

5. The learned APP for the State opposes the bail application and submits that the present case is of a serious nature, involving cheating and criminal breach of tru**st c**ommitted under the pretext of arranging Hajj travel for the complainant and other victims. It is argued that the accused persons, in a well-planned manner, induced innocent individuals to part with substantial amounts of money by promising to arrange their Hajj journey through their firm, Jannat Tour & Travels, but thereafter misappropriated the said funds for personal use. It is further argued that the accused are involved in a pattern of deceitful conduct and have duped several persons using the same modus operandi. The learned APP points out that the entire payment was made through banking channels, which clearly establishes the financial trail and corroborates the allegations made by the complainant.Given the seriousness of the offence, the magnitude of cheating, and the likelihood of influencing witnesses or tampering with evidence if released, it is prayed that no leniency be shown and the bail application be dismissed.

6. This Court has heard arguments addressed by the learned counsel for the applicant and learned APP for the State, and has perused the material on record.

7. The allegations against the present applicant are that he, in connivance with his brother/co-accused, induced the complainant and his relative to pay a total sum of ₹17,50,000/- under the pretext of arranging their Hajj journey through his firm Jannat Tour & Travels, but thereafter failed to make any arrangements and dishonestly misappropriated the said amount for personal use.

8. A perusal of the record reveals that the money was paid by the complainant to the present applicant and the co-accused through banking channels. It is noted that the financial trail of the transactions, as revealed during the course of investigation, demonstrates a direct link between the complainant's payments and the accounts associated with the applicant and his firm.

9. It is also noted that, as per the submissions made by the learned APP for the State, there are other individuals who have similarly been cheated by the applicant and his associates under the same pretext of arranging pilgrimage tours. This, on its face, suggests a repeated and systematic pattern of fraudulent conduct rather than an isolated transaction.

10. In the present case, the allegations pertain to multi-victim cheating, wherein several innocent persons have allegedly been cheated of their hard-earned money on the pretext of arranging a religious journey to Hajj. The deceit is compounded by its collective impact – affecting multiple victims who placed their trust in the accused's assurances. The investigation, therefore, necessitates thorough custodial interrogation to unearth the full extent of the conspiracy, identify other possible victims, trace the flow of funds, and secure recovery of the cheated amounts.

11. This Court also notes that despite the issuance of notices under

Section 35(3) BNS, the applicants have not cooperated with the ongoing investigation. His non-compliance and evasive attitude towards the process of law reflect a lack of bona fides. The explanation furnished on behalf of the applicant—that he is ready and willing to pay back the amount—cannot be accepted as a mitigating factor at this stage. Such post-facto willingness to refund cannot wash away the criminality alleged, particularly when the conduct indicates an initial dishonest intent and subsequent misappropriation.

12. Further, the custodial interrogation of the applicant appears necessary for the Investigating Officer to trace the flow and utilization of the cheated funds, to identify other possible victims, and to recover the misappropriated amount. The applicant's custody would also facilitate a more thorough and effective investigation into the alleged criminal conspiracy and financial transactions undertaken by him and his associates.

13. Considering the overall facts and circumstances of the case, the seriousness of the allegations, the multi-victim nature of the offence, and the pattern of deception revealed from the record, this Court finds no ground to grant anticipatory bail to the applicants herein.

14. Accordingly, the bail application stands dismissed.

15. It is, however, clarified that nothing expressed hereinabove shall tantamount to an expression of opinion on merits of the case.

3. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

OCTOBER 29, 2025/ns