



\$~9

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

+ **BAIL APPLN. 99/2025 & CRL.M.A. 628/2025**

DALCHAND MAHRAULIYA

.....Petitioner

Through: Mr. Ronak Karanpuria, Mr. Rohit
Gautam and Mr. Abhay, Advocates.

versus

STATE (NCT OF DELHI) & ANR.

.....Respondents

Through: Mr. Sanjeev Sabharwal, APP for the
State.

Insp. Vijay Pal Dahiya, SR/Crime
Branch.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

21.05.2025

%

1. This hearing has been done through hybrid mode.
2. This is the second application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking regular bail in case FIR No. 246/2023, under Sections 420/465/467/468/474/120B of the IPC registered at P.S. Crime Branch.
3. The first application filed on the behalf of the applicant was dismissed as withdrawn *vide* order dated 12.12.2023 passed by a Coordinate Bench of this Court in **BAIL APPLN. 4159/2023**.
4. The case of the prosecution as per the Status Report dated 13.01.2025, authored by Insp. Vijay Pal Dahiya, Southern Range, Crime Branch is that an information was received at Southern Range Section of Crime Branch, New Delhi with regard to preparation of forged degrees/certificate/mark sheets of 10th, 12th, B.A. M.A., LLB, M. Tech., B. Pharma etc. from an office situated



at 8th Floor, Big Jos Tower, Netaji Subhash Place, New Delhi. It is the case of the prosecution that after making enquiries, on 16.10.2023, a raid was conducted at the aforesaid address and several forged degrees/certificates/marksheets as well as blank degrees /certificate/marksheets, stamps and electronic devices including mobile phones and laptops were recovered from the possession of the present applicant.

5. In view of the above, the present FIR was registered and the investigation was conducted. During the course of the investigation, it was revealed that the present applicant was engaged in providing fake degrees/certificates/marksheets to students. It is stated that the applicant along with co-accused Mahavir Kumar, were involved in the business of supplying fake degrees to students through WhatsApp and received payments from students through their bank accounts. It is pointed out that out of the 3 bank accounts, 2 accounts belonged to the applicant's brother and 1 account belonged to his brother-in-law, in which the money was being deposited. It is stated that during investigation, the accused persons including the present applicant had disclosed that they had prepared more than 2000 forged degrees from a number of universities located in various parts of India. It is also stated that during investigation, at the instance of the present applicant, various blank sheets and holograms of universities, including Arni University, IEC University, Anna University and Mewar University were recovered from H-5/93, Ground floor, Sector-16, Rohini which were taken into possession, and on verification, they were found to be forged. It is further submitted during investigation, statement of 9 victims were recorded and their account numbers through which the money was transferred to the account provided by the



present applicant was also recorded. They had also identified the certificates which were given by the present applicant to them and after the said certificates were verified, they were found to be forged.

6. Learned counsel for the applicant submits that the latter has been in custody since the date of arrest, *i.e.*, 17.10.2023. It is pointed out that all recoveries have been effected and chargesheet stands filed and the matter is at the stage of consideration on the point of charge. The prosecution has cited 47 witnesses. It is submitted that out of the 5 accused persons, 3 of them have been granted bail. It is further submitted that the applicant is a handicap as he is amputated from the left leg below the knee, which is not disputed by the State.

7. *Per contra*, Learned APP for the State submits that the recovery from the present applicant shows his involvement with regard to his supplying fake degrees/marksheets/ certificates of various universities and cheating. It is pointed out that the money which had been taken by the applicant had been deposited in the account of his relatives and the statements of victims were also recorded and, therefore, it is submitted that bail may not be granted.

8. Heard learned counsel for the parties and perused the records.

9. Admittedly, the documents already stand recovered by the investigating agency. Chargesheet in the present case stands filed. The applicant along with other co-accused persons have been prosecuted and the matter is still at the stage of consideration on point of charge. Allegations against the applicant are serious in nature, however, keeping in view of the fact that he has been in custody since 17.10.2023, and the matter is still at the stage of consideration on point of charge, the trial is not likely to be completed in the near future.



10. The Hon'ble Supreme Court in **Sanjay Chandra v. Central Bureau of Investigation, (2012) 1 SCC 40** has observed and held as under:-

“21. In bail application 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 un-convicted person for the purpose of giving him a taste of imprisonment as a lesson”

11. In totality of the facts and circumstances of the case, the present application is allowed. The applicant is directed to be released on bail, on his furnishing a personal bond of Rs. 50,000/- with two sureties of like amount, to the satisfaction of the learned Trial Court/Link Court, further subject to following conditions:

- i. The applicant shall not leave India without prior permission of the learned Trial Court.
- ii. The applicant shall intimate the learned Trial Court by way of an



affidavit and to the Investigating Officer regarding any change in residential address.

- iii. The applicant shall appear before the learned Trial Court as and when the matter is taken up for hearing.
- iv. The applicant is directed to give his mobile number to the Investigating Officer and keep it operational at all times.
- v. The applicant shall not, directly or indirectly, tamper with evidence or try to influence the witness in any manner.
12. The application is allowed and disposed of accordingly.
13. Pending application(s), if any, also stand disposed of.
14. Needless to state, nothing mentioned hereinabove is an opinion on the merits of the case and any observations made are only for the purpose of the present bail application.
15. Copy of the order be sent to the concerned Jail Superintendent for necessary information and compliance.
16. Order be uploaded on the website of this court *forthwith*.

AMIT SHARMA, J

MAY 21, 2025/bsr/sc

Click here to check corrigendum, if any