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

% Judgment reserved on: 23.04.2026
Judgment delivered on: 25.04.2026

\+ BAIL APPLN. 78/2026 & CRL.M.A. 711/2026

DEEPAK DHARAMVEER SHARMA .....Petitioner

versus

STATE NCT OF DELHI .....Respondent

Memo of Appearance

For the Petitioner: Mr. Rajesh Anand, Mr. Eshaan Seth, Mr. Pawan Yadav & Ms. Radha, Advocates

For the Respondent: Ms. Priyanka Dalal, APP for State;
Mr. Amit Chadha, Senior Advocate with Mr. Atin Chadha, Ms. Munisha Chadha, Mr. Harjas Singh, Mr. Dhruv Tomar, Ms. A. Singh, Mrs. Rekha Yadav and Mr. Ankush, Advocates for Complainant

CORAM:
HON'BLE MR. JUSTICE MANOJ JAIN

JUDGMENT

MANOJ JAIN, J

1. Applicant seeks anticipatory bail in case FIR No. 66/2023 dated 05.09.2023 registered at Police Station Economic Offences Wing (EOW) for commission of offences under Sections 406/420/120B IPC.

2. Mr. Rajesh Anand, learned Counsel for applicant submits that even a cursory look over the averments appearing in FIR would indicate that the dispute is, merely, civil in nature. He submits that there were some independent transactions between him and complaint and some payment was outstanding from his side but supplements that he has no concern with other

transactions between complaint and his co-accused, who are absconding. He submits that since applicant is not privy to any such contract which his co-accused had with complainant, he is not liable to make any payment, on their behalf, to complainant.

3. Mr. Anand, learned Counsel claims that applicant is victim of circumstances and has been cheated at the hands of his co-accused. It is supplemented that he himself had given information to the complainant about the cheating committed by such co-accused and without any rhyme or reason, his name has been dragged in the matter. He submits that there is nothing to indicate that there was dishonest inducement at inception or for that matter any entrustment to applicant or misappropriation by applicant.

4. According to him, his bills were stolen away by co-accused and have been misused. He states that substantial amount of Rs. 2.26 crores was transferred to his account by co-accused persons and such transactions were online i.e. through banking channels and without his knowledge and consent and, therefore, he himself is victim of the financial mess, created by his co-accused who, at one point of time, were known to him. He states that applicant had, even, transferred said amount to complainant company.

5. It is stated that accused remained in judicial custody for around one year i.e. from 19.12.2023 to 24.12.2024 in one another case and no notice under Section 41-A Cr.P.C. or any other process was ever received by him and, therefore, learned Trial Court should not have been issued any warrants and should not have taken any step towards declaring him *proclaimed person*. Moreover, offences in question relate to Section 406/420/120-B IPC which invite maximum sentence of seven years and, therefore, the investigating agency was required to be mindful of the specific directions

contained in *Satender Kumar Antil Vs. CBI: (2022)10 SCC 51* as well as *Arnesh Kumar Vs. State of Bihar: (2014) 8 SCC 273*.

6. It is claimed that applicant has deep roots in the society and is not a flight risk. Moreover, keeping in mind the nature of allegations, custodial interrogation is, even otherwise, not warranted and since he is ready and willing to join the investigation, it is a fit case where anticipatory bail should be granted to him.

7. Admittedly, applicant is already involved in various other matters and except for one recent matter, he is on bail. During the pendency of the present application, applicant has been arrested in one another case and is presently lodged in jail in Mumbai. Learned Addl. P.P. for the State submits that Trial Court has already issued *production warrants* and there is every likelihood of it's execution, *which would render the present application infructuous.*

8. The application has been vehemently opposed by learned Addl. P.P. for State as well as learned Senior Counsel for complainant.

9. A complaint was lodged by the complainant before the concerned Magisterial Court. Complainant also prayed for investigation by moving application under Section 156(3) Cr.P.C. FIR has been registered on the basis of direction given by the jurisdictional Court.

10. FIR is exhaustive in nature.

11. Briefly stated, complainant company i.e. *M/s Tiranga Logistics Private Limited* is engaged in business of transportation. It is having its office in Delhi and is having 412 commercial transport vehicles. One *Shamsher @ Naveen Maan*, proprietor of *Pooja Trading Company* approached complainant company and represented that he and his other

associates were in the business of paper trading and other services, for which they needed transport services. Shamsher also told them that he was associated with *Deepak Sharma i.e. applicant herein* who was proprietor of *Vashisht Paper Products* and *Om Sai Traders*. The complainant company was also introduced to one *Ganesh @ Anna*, who was claimed to be a local transporter working under the name and style of *Shri Ganpati Transport* and *Shri Ganesh Transport*.

12. There were several rounds of meeting and, eventually, complainant company agreed to provide transportation facility.

13. There was no written agreement but it was verbally agreed that the complainant company would be handling the transportation operation of the accused persons, on the prevailing market rates. The complainant was given a rosy picture and asked to take services of *Ganesh @ Anna* for all local transport services, as a local vendor would be efficient for completion of transport work. All such persons further introduced one Subhash Ram Chander Tiwari, proprietor of *Hariom Industries* and as per agreement, the complainant company provided total services of Rs. 19.41 crores but accused made payment of Rs. 6.85 cores only, leaving balance of substantial amount.

14. According to Learned APP, the *modus operandi* was ingenious one and accused persons used to inform the complainant company about the needs and requirements of trucks and other commercial vehicles and complainant company used to provide vehicles and wherever required, it used to take assistance of local transporter and used to make payment to *Ganesh @ Anna* and his firms so that he is in position to arrange requisite transportation services al local level. All the accused were *hand-in-glove*

and working as a syndicate and are involved in many other matters of similar nature. It is claimed that applicant has churned a false story that he was cheated by his co-accused whereas, they all have cheated complainant, in a calculated manner. They raised fake bills as the destination mentioned in such bills did not even exist. So much so, though it used to be claimed that goods had been transported through trucks, some such vehicle numbers, provided to the complainant, were, eventually, found to be of two-wheelers.

15. Thus, according to prosecution, the accused persons had dishonest intention from the very beginning and they all, in a preplanned manner, fraudulently and dishonestly induced complainant to provide with transport facilities.

16. I have given my anxious consideration to the rival contentions and carefully perused the material on record.

17. As per the stand taken by the applicant herein, his co-accused were, eventually, found to be dishonest. He, though, knew them in advance but claims that he had no knowledge about their dishonest intention. According to him, his co-accused, being actual mastermind, were responsible for the alleged cheating and misappropriation and the moment he learnt about the same, he contacted the complainant and informed them about the aforesaid fact. Fact, however, remains that applicant is still elusive and has not come forward. His co-accused are also at large.

18. Admittedly, notice under Section 41-A Cr.P.C. had been issued to him on several occasions. Yes, on few such occasions, he was already running in custody in some other case and was lodged in jail but fact remains that his counsel responded to one such notice and, therefore, it cannot be said that the applicant was oblivious or unaware about these notices. One such notice

dated 19.12.2024 was duly responded by his counsel but despite that the applicant did not bother to participate in the investigation. He had been released from custody in the other case on 24.12.2024 and in such a peculiar backdrop, he should have immediately contacted the investigating agency if his intention, actually speaking, was *bona fide*. He remained elusive after his release in the aforesaid case and, therefore, the investigating agency was left with no option but to obtain NBWs against him. This Court, however, does find any real necessity of going into all such details at the moment as applicant has filed a separate petition i.e. Crl. M.C. No. 1290/2026 in which he has challenged the issuance of coercive process and has sought its recall.

19. As per the status report placed on record by the investigating agency, applicant seems to be beneficiary of huge amount.

20. A sum of Rs. 6 crores is found credited in his personal account which he had received through *Shri Ganesh Transport*. As proprietor of *Vashisht Paper Product*, he received another amount of around Rs. 5 crores from *Shri Ganesh Transport* and *Shri Ganpati Transport* and the transfer of such huge amount, in his own account by those who have cheated the complainant, has not been explained by the applicant and his version that his co-accused were having control over his bank account does not seem to be credible and convincing.

21. The allegations appearing in FIR indicate that complainant and all the accused persons had meetings and there was verbal agreement and, therefore, it cannot be said that complainant has clubbed different causes of actions into one or that applicant is not privy to anything. Of course, Section 406/420 IPC cannot co-exist but such aspect is better left for consideration of the learned Trial Court. I need not emphasize that when facts are

complicated and Court is in doubt, it can even frame charges, in alternate. The aspect - whether deception was there at the very inception or not - would also become clear when thorough investigation is made and applicant is interrogated. He is evading investigating agency and is not coming forward and, therefore, at this initial juncture, applicant cannot take any advantage from *Sushil Sethi Vs. State of Arunachal Pradesh 2020 SCC Online SC115.*

22. Admittedly, at first blush, it may look to be a case of civil nature but fact remains that applicant himself has admitted that his co-accused were running a syndicate and were having dishonest intention and keeping in mind the fact that he has received substantial money from his co-accused, in particular, from *Ganesh @ Anna* and the fact that there are various fake bills, the truth would come out only when there is comprehensive investigation and applicant is interrogated. In *State (Represented by CBI) v. Anil Sharma:(1997)7 SCC 187*, Hon'ble Supreme Court found force in the submission of CBI that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favourable order and well-protected and insulted by a pre-arrest bail and, therefore, such person can afford to elude investigating agency.

23. Resultantly, finding no merit and substance in the present application, the same stands dismissed.

(MANOJ JAIN)
JUDGE

APRIL 25, 2026/*dr/pb*