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

\+ BAIL APPLN. 419/2026 & CRL.M.A. 3208/2026

SUMAN KUMARI .....Petitioner

versus

STATE THROUGH SHO .....Respondent

\+ BAIL APPLN. 430/2026 & CRL.M.A. 3278/2026

HAFIJ KHAN .....Petitioner

versus

STATE THROUGH SHO .....Respondent

Appearances:-
Mr. Aseem Mehrotra and Ms. Deeksha Mehrotra, Advocates.
Mr. Yudhvir Singh Chauhan, APP. SI Sumit Thakran, P.S. DIU Outer.

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

O R D E R

% 30.04.2026

1. By way of these applications under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the applicants seek anticipatory bail in connection with FIR No. 721/2025 dated 27.09.2025, registered at Police Station Mangolpuri, Outer District, Delhi, under Sections 318(4)/3(5) of the Bharatiya Nyaya Sanhita, 2023 ["BNS"].

2. I have heard Mr. Aseem Mehrotra, learned counsel for the applicants, and Mr. Yudhvir Singh Chauhan, learned Additional Public Prosecutor for the State. The complainant is also present in person.

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3. By order dated 30.01.2026, the applicants were granted interim protection, with the following observations:

> "*3. The petitioners are husband and wife. They are both shareholders and directors of a company by the name of Khawaja Developers and Traders Private Limited. The allegation of the complainant in the FIR is that the petitioners collected a sum of Rs. 44,19,000/- from the complainant, his family members, and associates for the purposes of real estate transactions, but instead invested the fund in shares and other financial securities. The amounts were deposited in the petitioners' personal accounts, as well as the account of the aforesaid company. The amounts in question are stated to have been remitted by the complainant, who is presently an employee of the Delhi Police, both by cheque and in cash. According to the complainant, he was assured of specific returns, which the petitioners failed to honour.*
> *4. The petitioners initially approached the learned Sessions Court seeking anticipatory bail and were granted interim protection by orders dated 15.11.2025, which was continued by orders dated 03.12.2025, 18.12.2025, 23.12.2025, and 03.01.2026, subject to their joining the investigation.*
> *5. The prosecution filed a reply dated 17.12.2025 to the application of Hafij Khan. There was no suggestion in the said reply that the petitioners had failed to join the investigation or had otherwise misused the protection granted to them. However, it was stated that custodial interrogation was required for the identification of victims, recovery of digital devices, etc.*
> *6. By the impugned orders dated 05.01.2026, the learned Sessions Court rejected the anticipatory bail applications, recording the contention of the prosecution that satisfactory replies were not being furnished by the accused. It is noted in the order that the accused were stated to be running a construction company but had failed to provide any information in that regard.*
> *7. It is the contention of Mr. Aseem Mehrotra, learned counsel for the petitioners, that no such assurance regarding any construction activity or purchase of immovable property was given at any stage, and, prima facie, no such contention is reflected from the material on record. It is also contended that the accused have not furnished details pertaining to a demat account.*
> *8. The evidence in the present case appears to be primarily documentary in nature. The petitioners have also joined the investigation during the period when interim protection was granted to them by the Sessions Court, and there is no allegation that they misused the liberty granted.*
> *9. It is therefore directed that the petitioners shall not be arrested in*

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connection with the subject FIR, subject to their joining the investigation upon 24 hours' notice by the Investigating Officer."

4. Mr. Chauhan states that, pursuant to the aforesaid order dated 30.01.2026, the applicants have both joined the investigation. It is, however, contended that the applicants have not cooperated with the investigation, inasmuch as they have not handed over their mobile phones on which they were operating WhatsApp accounts, and have also not stated the basis upon which amounts were transferred from the aforesaid company, Khawaja Developers and Traders Private Limited, to their personal accounts.

5. Mr. Mehrotra, on the other hand, submits that the applicants have joined the investigation whenever called upon, and have given the information available with them. He submits that the FIR has been registered in Delhi at the instance of the complainant, who is himself an official of the Delhi Police, although all transactions between the parties took place in District Charkhi Dadri in the State of Haryana. He draws my attention to a legal notice dated 30.07.2025, issued on behalf of the complainant, in connection with proceedings under Section 138 of the Negotiable Instruments Act, 1881 ["the NI Act"], in which it is stated that an amount of Rs. 59,00,000/- was advanced by the complainant to Khawaja Developers and Traders Private Limited as a loan. Contrary to the aforesaid explanation, in the subject FIR, the complainant has sought to make out a case that the amount was transferred for the purposes of investment in real estate.

6. At this stage, the complainant, who appears in person, states that the contents of the legal notice dated 30.07.2025, are incorrect and that

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the legal notice was wrongly issued by his advocate.

7. While this is a matter to be adjudicated in the case filed under Section 138 of the NI Act, for the present purposes, suffice it to note that there is a contradiction in the complainant's stand, even with regard to the purpose for which money was allegedly given to the applicants. This raises some *prima facie* doubt with regard to the contents of the FIR, which has been registered for the offence of cheating. Additionally, the evidence sought to be relied upon, in respect of the alleged offence, is largely based upon banking transactions, which are already in the possession of the Investigating Officer ["IO"].

8. Having regard to the aforesaid factors, including the documentary nature of the evidence, and the fact that the applicants have joined the investigation, I am of the view that the allegation of non-cooperation do not merit deprivation of their liberty at this stage for the offences in question.

9. The bail applications are, therefore, disposed of with the direction that, in the event of arrest in connection with FIR No. 721/2025 dated 27.09.2025, registered at Police Station Mangolpuri, Outer District, Delhi, under Sections 318(4)/3(5) of the BNS, the applicants will be released on bail on furnishing of personal bonds in the sum of Rs.35,000/- each, alongwith one surety each in the like amount, to the satisfaction of the concerned IO/Station House Officer ["SHO"], and subject to the following further conditions:

a. The applicants will join investigation as and when required by the IO, and will cooperate in the investigation.

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b. The applicants shall furnish their mobile numbers to the concerned IO/SHO, and shall ensure that the said mobile numbers remain operational and switched on at all times. The mobile numbers shall not be changed, nor shall the phones be switched off, without prior intimation to the IO/SHO.

c. The applicants shall furnish their residential address to the concerned IO/SHO, and shall not change the addresses without prior intimation to the IO/SHO.

d. The applicants shall not offer any inducement, threat, or promise to any persons acquainted with the facts of the case.

e. The applicants shall not tamper with evidence nor otherwise indulge in any act or omission that is unlawful or that would prejudice the proceedings.

f. The applicants shall not commit any offence during the pendency of the proceedings.

10. The bail applications, alongwith pending applications, are disposed of in the above terms.

11. It is clarified that the observations made herein are solely for the purpose of adjudication of the present bail applications, and shall not be construed as an expression of opinion on the merits of the case, nor shall they prejudice the rights and contentions of the parties at any stage of the proceedings.

PRATEEK JALAN, J

APRIL 30, 2026
'*Bhupi/KA*'/

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