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

\+ BAIL APPLN. 991/2026

PAWAN KUMAR .....Applicant

Through: Mr. Kunal Mittal, Mr. Satish Verma and Mr. Vikas Chauhan, Advocates.

versus

STATE OF NCT OF DELHI .....Respondent

Through: Mr. Raghuinder Verma, APP for State with Mr. Aditya Vikram Singh, Advocate with SI Vikas, ISC/ Crime Branch

CORAM:
HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

% **13.03.2026**

CRL.M.A. 7553/2026 *(for exemption)*

1. Allowed, subject to all just exceptions.

2. The application is disposed of.

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3. By virtue of the present application under *Section 482* of the Bharatiya Nagarik Suraksha Sanhita, 2023 (***BNSS***), the applicant seeks grant of anticipatory bail in FIR No.37/2025 dated 08.10.2025 registered at PS.: Cyber Police, East Delhi under *Sections 308/318(4)/319/340* of the Bharatiya Nyaya Sanhita, 2023 (***BNS***).

4. *Succinctly stated*, as per prosecution complainant Akshay Kumar Sharma was cheated of an amount of Rs.42,95,720/- in a cyber fraud, of

which an amount of approximately Rs.38,00,000/- was transferred in first layer to a bank account, maintained in AU Small Finance Bank Ltd., in the name of Jai Maa Brahmni Fruit Co., a firm stated to be operated from premises situated at B-36, Amloh Road, Backside Sabzi Mandi, Model Town, Khanna City, District Ludhiana, Punjab, belonging to the father of the applicant. It is alleged that the said bank account was opened by the uncle of the present applicant, namely Randhir Kewat, who is reportedly absconding.

5. In these facts, learned counsel for the applicant praying for anticipatory bail submits that ***[i]*** the applicant has been falsely implicated in the present case and not a single penny has been received by him in his bank account; ***[ii]*** the applicant has already joined investigation and nothing incriminating has come against him; ***[iii]*** as per order dated 01.09.2025 passed by a co-ordinate bench of this Court in Bail Appl.2406/2024 entitled "***Mohd Kamran vs. State of NCT of Delhi***" it is well settled that merely because the applicant has not responded to the questions of the Investigating Officer or has not made any confession and or stated anything incriminating against him, the same cannot be termed as non-cooperation; and ***[iv]*** there is no likelihood of absconding of the applicant and even the applicant is willing to join and co-operate in the investigation.

6. Issue notice.

7. Learned APP for the State accepts notice, and seeks to address arguments based on the Status Report filed before the learned Trial Court, which is on record, in opposition of this application that ***[i]*** though the applicant has joined the investigation but is giving evasive, in fact, no

answers, as such, relying upon ***"Vineet Surelia vs. The State of NCT of Delhi"***: Bail Appl.2310/2023 he submits that mere joining of the investigation by the applicant is not sufficient as he to participate therein as well; ***[ii]*** during interrogation, applicant claimed that the shop was vacated by main accused Randhir Kewat but he failed to produce any documentary proof of termination thereof and since the account where the cheated fund was received was opened on 11.08.2025 i.e., much after the alleged vacation of shop by accused Randhir Kewat, no satisfactory explanation has been provided by the applicant as to how a current account in the name of firm Jai Maa Brahmni Fruit Co. operated by Randhir Kewat was opened at the said address without his knowledge; and ***[iii]*** the role of the applicant in the alleged offence is still under investigation.

8. This Court has heard learned counsel for the applicant and the learned APP for the State as also have gone through the documents on record.

9. It is trite that in cases involving economic offences, being a "class apart" bail, much less anticipatory, should be granted sparingly and only in exceptional cases as the same may impede a fair and effective investigation. *Very recently*, the Hon'ble Supreme Court in ***Rakesh Mittal vs. Ajay Pal Gupta, alias Sonu Chaudhary & Anr : 2026 INSC 161*** has held that in economic offences, where innocent people are cheated of their hard-earned monies by conmen, who deliberately prey upon the trust and vulnerability of others for unlawful gain, then considerations for granting bail in heinous offence must apply while adjudicating upon a plea for grant of bail by the alleged offenders.

10. The case at hand is an economic offence wherein the applicant is not denying that Randhir Kewat, the main accused is his real paternal uncle, as also that he was operating from the very same place/ address belonging to his own father. The issue of rent is without any substance/ proof, and is not to be considered at this stage while the applicant is seeking anticipatory bail. Further, records reveal that of the total cheated amount, a sum of approximately Rs.38,00,000/- was transferred to the bank account of the firm Jai Maa Brahmni Fruit Co., which is alleged to be operated by the said main accused. Moreover, the main accused stated to be absconding, is yet to join investigation.

11. As such, the present bail application is dismissed.

12. Needless to say, since the expression of opinion, if any, are for the purposes of adjudicating the present application only, they have no bearing on the overall merits/ trial involved.

SAURABH BANERJEE, J

MARCH 13, 2026/So