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IN THE HIGH COURT OF DELHI AT NEW DELHI

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BAIL APPLN. 1198/2026

ARBAB

.....Applicant

Through: Mr. Varun Singh, Mr. Rohit Chauhan and Mr. Dev Nandan, Advs.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Ms. Meenakshi Dahiya, APP for the State
Mr. Arif Shakeel, Mr. Mohammad Akhtar, Advs. for Complainant

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

14.05.2026

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1. By virtue of the present bail application under *Section 483* of the Bharatiya Nagarik Suraksha Sanhita, 2023 (**BNSS**), the applicant seeks grant of regular bail in FIR No.139/2024 dated 01.06.2024 registered at PS.: New Friends Colony, Delhi under *Sections 420/34/174-A* of the Indian Penal Code, 1860 (**IPC**).

2. As per the FIR, the complainants, partners of M/s. ZAG IIR Solutions, came in contact with the applicant in 2021, who claimed to be the owner of M/s. Delhi Motors and induced them to invest in a purported old/ used car trading business by making false assurances of high returns. After initially paying small profits to gain their trust, the applicant, alongwith his wife and uncle, allegedly obtained a total sum of Rs.32,00,000/- from the complainants between October and December



2021. Subsequently, neither the invested amount nor the promised profits were returned, and the complainants later discovered that no such car transaction or business existed. Consequently, *vide* order dated 16.05.2024 passed by the learned ACMM in CT Case No.753/2023 entitled '*Afzal Shakeel vs. Arbab*', the present FIR came to be registered.

3. During investigation, efforts to trace the applicant were made, however, despite pasting Notice at his residence, he failed to join the investigation as he was absconding. Subsequently, *vide* order dated 19.11.2024, the Court was pleased to issue Non-Bailable Warrants (**NBWs**), which too could not be executed. Whereafter, proceedings under *Section 82* of the Code of Criminal Procedure, 1973 (**Cr.P.C**) were initiated and *vide* order dated 03.04.2025 passed by the learned ACJM, the applicant was declared a Proclaimed Offender (**PO**). Later, on 25.08.2025 intimation was received about the arrest of the applicant in a *Kalandara*.

4. Mr. Varun Singh, learned counsel for applicant primarily submits that the dispute *inter se* the parties arises out of an investment arrangement involving risk and profit-sharing, and it is an admitted position that the applicant had initially paid returns on 10.11.2021, which itself demonstrates the *bona fide* nature of the transaction and absence of any dishonest intention from the inception. He submits that the subsequent non-payment occurred solely on account of business losses and financial constraints, which, at best, gives rise to a civil liability for recovery of money, for which the complainants have initiated parallel civil proceedings as well as under the provisions of the Negotiable Instruments Act. As per him, the complainants are clearly attempting to give a criminal colour to a purely commercial and contractual dispute.



5. The learned counsel submits that the applicant was declared a PO in a mechanical and arbitrary manner, without exhausting all proper modes of service and he was neither deliberately absconding nor attempting to evade the process of law, rather, he was undergoing severe financial hardship and business losses during the said period. The learned counsel also submits that the applicant had been granted bail in FIR No.74/2023 dated 01.02.2023, *vide* order dated 10.12.2025 passed by the learned Sessions Court and had duly complied with all the conditions imposed and never misused the liberty granted therein.

6. Lastly, the learned counsel submits that the applicant has been in judicial custody since 31.08.2025 i.e. for more than *eight months* as on date and since investigation in the present FIR is complete and the chargesheet stands filed, hence no further custodial interrogation of the applicant is required and the applicant be granted bail.

7. *Per contra*, Ms. Meenakshi Dahiya, learned APP for the State has handed over a copy of Status Report, which is taken on record. Opposing the present bail application, the learned APP submits that the offence in the present case is of a serious and grave nature wherein the applicant, in collusion with his wife and uncle, has cheated the complainants for a sum of Rs.32,00,000/- and has failed to repay the entire amount. Further, since the applicant remained absconding for more than a year, and was declared as a PO later, he could only be apprehended from Muzaffarnagar through technical surveillance, hence, there is a likelihood of the applicant jumping bail and evading the due process of law. Lastly, the learned APP submits that the applicant is involved in another FIR being No.74/2023



registered for similar offences, hence there is also an apprehension that, if released on bail, he may indulge in similar offences.

8. Learned counsel for the complainant has addressed arguments, without filing any written synopsis, and supported the case of the learned APP.

9. This Court has heard the learned counsel for the parties and perused the materials on record.

10. The case herein reflects that the role attributed to the applicant is that of the main perpetrator, who alongwith his wife and uncle is alleged to have cheated the complainants a sum of Rs.32,00,000/- on the pretext of high financial returns. As such, the nature and gravity of the accusations levelled against the applicant are serious and grave, and the severity of the punishment prescribed in the event of conviction is writ large.

11. Since the applicant is also involved in another FIR no.74/2023, involving the similar nature of offences as herein barely a year back, hence there is a likeliness of the applicant repeating the offence, if released on regular bail.

12. This Court also notes that the applicant remained absconding for more than a year, and was declared a PO, before being arrested from Muzaffarnagar, Uttar Pradesh. Thus, there is a strong apprehension that the applicant is likely to abscond again, evade trial and misuse the liberty of bail, thereby frustrating the administration of justice, if released on bail.

13. As such, the aforesaid factors do not invite confidence in this Court to grant regular bail to the applicant herein, at this stage.

14. In light of the aforesaid, the present application is dismissed.



15. Needless to say, the expression of opinion(s), if any, are for the purposes of adjudicating the present application only, and they shall have no bearing on the trial.

SAURABH BANERJEE, J

MAY 14, 2026/So/DA