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

\+ BAIL APPLN. 1501/2026

SUSHMA SHARMA .....Petitioner

Through: Ms. Samvidhi Dobhal, Mr. Krishna Mohan Chandel and Mr. Hritwik Maurya, Advocates.

versus

STATE (NCT OF DELHI) .....Respondent

Through: Ms. Shubhi Gupta, APP for the State.
Mr. Yashwant Gahlot, Advocate for complainant.
SI Anil Kumar, P.S. Dabri.
SI Amit Kumar, P.S. Dwarka South.

CORAM:
HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% **15.05.2026**

By way of the present petition filed under section 483 of the Bharatiya Nagarik Suraksha Sanhita 2023, the petitioner seeks regular bail in case FIR No. 60/2019 dated 28.01.2019 registered under sections 420/406/34 of the Indian Penal Code, 1860 at P.S.: Dabri, Delhi.

2. Notice on this petition was issued on 20.04.2026.

3. Status report dated 05.05.2026 has been filed.

4. Nominal roll dated 04.05.2026 has been received from the Jail Superintendent.

5. Pursuant to intimation sent, the complainant is also represented.

6. Chargesheet dated 12.02.2026 has been filed against the petitioner.

7. Ms. Samvidhi Dobhal, learned counsel appearing for the petitioner submits, that as would be seen from a perusal of the FIR and the

chargesheet, the allegation against the petitioner is that as sole proprietor of M/s Sitaram Ji Traders, she has diverted and siphoned-off money that she received *via* a cash-credit limit opened in UCO Bank by placing the property of the complainant's wife as collateral. The essence of the allegation is that the monies drawn against the cash-credit limit were used by the petitioner and her husband for discharging their personal debts, instead of applying the money towards the business of the firm.

8. Counsel submits, that the petitioner was sole proprietor of the concerned firm only in name; but the business of the firm was being managed by her husband, Mahender Sharma.

9. Ms. Dobhal submits, that though the allegation is that the petitioner had signed Memorandum of Understanding dated 05.07.2017 with the complainant, pursuant to which the cash-credit was opened; it is the petitioner's contention that she had signed the MoU also only because she was the sole proprietor of the firm in name.

10. Counsel argues, that the learned trial court has dismissed her bail plea principally on the ground that the petitioner and (her husband) absconded after diverting and mis-utilising the money and were hiding in a jurisdiction outside of Delhi; and as a result, the Investigating Officer ('I.O.') had filed a chargesheet against them in the case on 29.06.2022 showing them as 'untraced'.

11. Ms. Dobhal argues, that it is the conceded position that the complainant was based abroad, for which reason the investigation was not followed-up with any seriousness; and it is therefore incorrect that the petitioner and her husband had absconded from Delhi.

12. Ms. Dobhal further argues, that the petitioner suffers from a brain tumor, as is evidenced by her medical records, copies of which have been appended to the bail petition. Attention in this behalf is drawn to the MRI reports dated 16.10.2010 and 21.06.2022, to point-out that the petitioner has an anomalous growth in the brain.

13. It is argued, that in any event, chargesheet dated 12.02.2026 has been filed, in which the prosecution has cited 14 prosecution witnesses but charges are yet to be framed; and trial is yet to begin.

14. Counsel submits, that in the meantime, the petitioner has been in judicial custody as an undertrial for more than 04 months; and her jail conduct has been 'satisfactory' with no other criminal involvements.

15. Ms. Dobhal submits, that the petitioner is the mother of 02 children; and since the petitioner's husband, Mahender Sharma is also in custody in the same case, she needs reprieve in order to look after her children.

16. In opposition, Ms. Shubhi Gupta, learned APP for the State submits, that the MoU which is the genesis of the dispute between the parties was signed by the petitioner as sole proprietor of M/s Sitaram Ji Traders; monies through the cash-credit limit were received in the account of the said proprietorship concern; and whether or not the petitioner was directly involved in the business of the firm is a matter to be decided at the trial.

17. Ms. Gupta submits, that the I.O. was unable to trace the petitioner and her husband for a long time only because they were absconding.

18. Mr. Yashwant Gahlot, learned counsel appearing for the complainant submits, that the complainant has been cheated of an amount of about Rs. 1.5 crores, since the petitioner and her husband diverted and mis-

utilised the money received against the cash-credit limit opened at the bank by placing the property of the complainant wife as collateral.

19. Mr. Gahlot submits, that the petitioner deserves to remain in custody, since she may destroy evidence if enlarged on bail.

20. Upon a conspectus of the submissions made, the considerations that weigh with the court at this stage, are the following:

20.1. The petitioner is a lady of about 46 years of age, with 02 children;

20.2. The petitioner has been implicated in the matter essentially in her capacity as sole proprietor of M/s Sitaram Ji Traders, which is one of the proprietorship concerns which is alleged to have received money through the cash-credit limit opened by providing the property of the complainant's wife as collateral.

20.3. Chargesheet dated 12.02.2026 has been filed against the petitioner.

20.4. Considering the nature of the allegations, the evidence would essentially be documentary in nature, which has already been collected;

20.5. The FIR dates back to *28.01.2019*; and chargesheet dated *12.02.2026* has been filed after more than 07 years of investigation;

20.6. Though the prosecution has cited 14 witnesses, but the charges are yet to be framed; and trial is yet to begin;

20.7. The petitioner, being a lady, has already suffered judicial custody of more than 04 months as an undertrial; and

20.8. The complainant's apprehension that the petitioner would tamper with evidence seems misplaced.

21. In the circumstances, this court is persuaded to allow the present petition.

22. The petitioner – ***Sushama Sharma w/o Mahender Sharma*** - is accordingly admitted to *regular bail pending trial*, subject to the following conditions:

22.1. The petitioner shall furnish a personal bond in the sum of Rs. 50,000/- (Rupees Fifty Thousand Only) with 01 surety in the like amount from a family member, to the satisfaction of the learned trial court;

22.2. The petitioner shall furnish to the Investigating Officer a cellphone number on which the petitioner may be contacted at any time and shall ensure that the number is kept active and switched-on at all times;

22.3. If the petitioner has a passport, she shall surrender the same to the learned trial court and shall not travel out of the country without prior permission of the learned trial court;

22.4. The petitioner shall not contact, nor visit, nor offer any inducement, threat or promise to any of the prosecution witnesses or other persons acquainted with the facts of case. The petitioner shall not tamper with evidence nor otherwise indulge in any act or omission that is unlawful or that would prejudice the proceedings in the pending trial; and

22.5. In case of any change in her residential address/contact details, the petitioner shall promptly inform the I.O. in writing.

23. Since the petitioner is facing trial and would therefore be appearing before the learned trial court from time-to-time, it is not considered

necessary to impose a reporting requirement as a condition of regular bail.

24. Nothing in this order shall be construed as an expression of opinion on the merits of the pending matter.

25. A copy of this order be sent to the concerned Jail Superintendent *forthwith*.

26. The petition stands disposed-of in the above terms.

27. Pending applications, if any, are also disposed-of.

ANUP JAIRAM BHAMBHANI, J

MAY 15, 2026

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