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

\+ BAIL APPLN. 1653/2026

AJAY KUMAR .....Applicant

Through: Mr. C.M. Sangwan, Advocate.

versus

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

Through: Mr. Yudhvir Singh Chauhan, APP.
SI Bunty Drall, PS-KNK Marg.
Mr. Kunwar Gangesh Singh, Mr. Sushmit Chauhan, Mr. Tarun Garg Ms. Madhulika Singh, Ms. Ayushi Gupta, Mr. Kartikeya Chaudhary, Advocates for complainant.

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

O R D E R

% **26.05.2026**

CRL.M.A. 17077/2026 (*for early hearing*)

This is an application for early hearing of BAIL APPLN. 1653/2026, which is scheduled to be listed on 08.07.2026.

For the reasons stated therein, and with the consent of learned counsel for the parties, the application is allowed, and BAIL APPLN. 1653/2026 is taken up for hearing.

The application is accordingly disposed of.

BAIL APPLN. 1653/2026

1. By way of the present application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ["BNSS"], the applicant seeks regular bail in connection with FIR No. 645/2024 dated 25.12.2024, registered at Police Station K.N. Katju Marg, District Rohini, Delhi, under Sections 308(2)/351(2)/351(3) of the Bharatiya Nyaya Sanhita, 2023 ["BNS"].

2. I have heard Mr. C.M. Sangwan, learned counsel for the applicant, and Mr. Yudhvir Singh Chauhan, learned Additional Public Prosecutor for the State. The prosecution has also filed a status report, which is on record. Mr. Kartikeya Chaudhary, learned counsel for the complainant, and the complainant are also present through video conference. Mr. Chaudhary states that the complainant does not wish to make any independent submission in opposition to the bail application.

3. The prosecution case, as evident from the material on record, is as follows:

A. FIR No. 645/2024 was registered on 25.12.2024, at the instance of the complainant, Pawan Kumar S/o Late Sh. Girdhari Lal, who alleged that he had received threatening WhatsApp calls, voice messages and audio clips on 24.12.2024. It is alleged that the caller demanded an amount of Rs. 5 crores from the complainant by way of extortion.

B. The complainant made a statement under Section 180 of the BNSS on 25.12.2024, in which it was alleged that the caller identified himself as Naveen Karala@ Sonu, brother of Dinesh Karala, and stated that he belongs to Gogi gang.

C. The co-accused Naveen@Sonu was arrested on 28.12.2024. A paper slip having various international phone numbers, jail numbers and the complainant's number, was recovered from his possession.

D. Another co-accused – Sitender @ Matru was thereafter arrested, from whom a passport and two boarding passes were recovered.

E. The allegations against the applicant are based upon the disclosure statement of Sitender @ Matru, which states that the applicant and he went together to Malaysia on 16.12.2024, from where Sitender @ Matru called the complainant on 24.12.2024 and demanded an amount of Rs.5 crores. Although further attempts were made, they were unable to reach the complainant.

F. Investigation further revealed that Sitender @ Matru travelled to Dubai on 02.01.2025, while the present applicant initially returned to India and thereafter travelled to Dubai again on 05.01.2025 to meet Sitender @ Matru. As the extortion amount was not paid by the complainant, another threatening WhatsApp call was made to the complainant on 08.01.2025 from Dubai, again demanding money and threatening the complainant.

G. The complainant in his supplementary statement under Section 180 of BNSS on 08.01.2025, stated that he already knew the present applicant through one Boby Maan, who had earlier facilitated their conversation regarding a disputed property in Karol Bagh. On 26.12.2024, he was contacted by Boby Maan regarding purchase of the property, and the complainant expressed suspicion regarding Boby Maan's involvement in the present case. The complainant also stated that he had he had received a fresh death threat through WhatsApp call.

H. During investigation, notices under Section 35(3) of BNSS were served upon Bobby Mann, who joined investigation on 23.08.2025. He stated that he used to run committee business, property dealing, and Dharam Kanta business, and that he had merely contacted the complainant regarding commencement of a new committee.

I. Further, notice under Section 179 of BNSS was served upon complainant, who joined investigation on 22.08.2025 and gave his supplementary statement clarifying that Bobby Mann was his business acquaintance and committee associate, and that their telephonic conversation pertained only to committee/business matters.

4. Mr. Sangwan submits that the chargesheet has already been filed on 28.02.2026 and the only material against the applicant is based upon the alleged statement of the co-accused. He claims parity with co-accused Naveen @ Sonu and Sitender @ Matru, both of whom have been granted bail by the order of the Sessions Court dated 08.05.2025 and 25.07.2025, respectively. In fact, Mr. Sangwan submits that co-accused Naveen @ Sonu is the person named in the statement of the complainant as having made the original extortion call, and at the highest, the case of the present applicant is at par with the case of Sitender@Matru. He further submits that the applicant was granted interim protection in his application for anticipatory bail, both before the learned Sessions Court and this Court [in BAIL APPLN. 3457/2025]. However, his anticipatory bail application was dismissed by the judgment of this Court dated 22.12.2025 in BAIL APPLN. 3457/2025, after which he surrendered on 09.02.2026.

5. The argument of Mr. Chauhan, however, is that the allegations against the applicant are serious, including an allegation with regard to extortion. He submits that although the applicant surrendered after dismissal of his anticipatory bail application by this Court, this was only after the opening of a Look Out Circular. Mr. Chauhan, however, accepts that there is no significant difference between the role attributed to the

applicant and that attributed to Sitender @ Matru.

6. Having heard learned counsel for the parties, even though the allegations in the FIR are doubtless serious, I am of the view that the applicant is entitled to the concession of bail on the ground of parity. In the status report filed by the prosecution, the roles of Sitender @ Matru and the applicant have been enumerated as follows:

> *"During the course of investigation* ***another accused Sitender @ Matru*** *S/o Sh. Dharam Singh R/o VPO Dhigal, Pana Malyan PS Dujana, Jhajjar, Haryana Age 31 years was arrested by Crime Branch, Prashant Vihar, Delhi accordingly accused Sitender @ Matru was formally arrested in the present case and his Passport and two boarding pass were recovered.* ***During interrogation, accused Sitender @ Matru, disclosed that he made extortion call from UAE alongwith his accomplice namely Ajay Kumar S/o Hawa Singh R/o Village Kherpur, Tehsil Bhadurarh, Jhajjar, Haryana. Air tickets of present applicant/accused Ajay Kumar were also obtained from concerned branch.***
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> *During course of investigation and as per disclosure statements of accused Sitender @ Matru,* ***accused Sitender @ Matru & Ajay Kumar went to Malaysia on 16/12/2024, where Ajay Kumar took Malaysian SIM and a mobile phone as per their plan, on Ajay's behest, Sitender @ Matru called Pawan Dua (complainant) on WhatsApp on 2024/12/24 from Malaysia number +601117177186 and demanded five crores and threatened about dire consequences for not following the directions.*** *Despite several efforts their plan did not execute. Then* ***as per the direction of Ajay Kumar, Sitender @ Matru again made a voice call on 08.01.2025 to Pawan Kumar on his WhatsApp from another number + 601160721506 from Dubai*** *and again demanded the amount and threatened him.*
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> *During investigation, it is revealed that* ***applicant/accused Ajay Kumar is in regular contact with accused Sitender @ Matru****. The same has been corroborated with passport and their travel history.*
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> *xxxx xxxx xxxx*
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> ***It is further submitted that Travel history, Air tickets & Passport of both accused persons i.e. Sitender @ Matru and applicant/ accused Ajay Kumar show that they both travel to Malaysia on 16/12/2024. On 24/12/2024 on the direction of Ajay Kumar, accused Sitender makes threat call to complainant. On 02.01.2025, accused Sitender went to Dubai and accused Ajay returned to India. On 05.01.2025,***

<u>accused Ajay Kumar went to Dubai to meet accused Sitender @Matru and informed that Pawan (complainant) did not gave extortion money. Hence, on 08.01.2025, they again make a threat to call to complainant.</u> Later, accused Sitender @ Matru returned to India on 10.01.2025 and arrested by Crime Branch and later formal arrest in the present case . <u>The travel history of both accused persons Ajay Kumar and Sitender @ Matru show that both are present in Malaysia and Dubai on the date of threating call/ at the time of commission of offence i.e. 24.12.2024 & 08.01.2025</u>."

[Emphasis supplied.]

7. It may further be noted that the chargesheet against the applicant has already been filed by way of a supplementary chargesheet, he is not named in the FIR, and his involvement is alleged on the basis of the disclosure statement of Sitender@Matru, who has already been granted bail.

8. Having regard to the aforesaid facts and circumstances and the stage of proceedings before the Trial Court, the applicant is directed to be released on regular bail in connection with FIR No. 645/2024 dated 25.12.2024, subject to furnishing a personal bond in the sum of Rs.35,000/- with one surety in the like amount, to the satisfaction of the Trial Court/Duty Magistrate, and subject to the following conditions:

A. The applicant shall appear before the Sessions Court on each and every date of hearing;

B. The applicant shall furnish his permanent address to the concerned Investigating Officer/Station House Officer ["SHO"], as well as the address at which he is residing during the pendency of the case, and shall, in the event of any change in his residential address, promptly intimate the IO/SHO and file an affidavit before the Sessions Court;

C. The applicant shall provide his mobile number to the concerned

IO/SHO, which shall be kept in working condition at all times. The mobile number shall not be switched off or changed without prior intimation to the IO during the pendency of the trial;

D. The applicant shall report to the SHO, P.S. K.N. Katju Marg, once every two weeks on the 1st and 15th day of each month at 11:30 A.M., and will be released within two hours, after completion of formalities;

E. The applicant shall not, directly or indirectly, contact, visit, or offer any inducement, threat, or promise to any prosecution witnesses or other persons acquainted with the facts of the case;

F. The applicant shall not commit any offence during the period of his release.

9. The bail application is disposed of in terms of the above.

10. It is clarified that any observations made in the present order are solely for the purpose of deciding the present bail application, and shall neither influence the trial proceedings, nor be construed as an expression of opinion on the merits of the case.

11. Copy of the order be communicated to the concerned Jail Superintendent electronically for information and necessary compliance.

12. Next date of hearing already fixed, i.e. 08.07.2026, stands cancelled.

PRATEEK JALAN, J

MAY 26, 2026
B/JM/