



2026:DHC:4514



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

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Date of Decision: 20.05.2026+ **BAIL APPLN. 1990/2026 & CRL.M.A. 16326/2026****PRIYANSHI SHARMA**

.....Petitioner

Through: Mr. Shahid Ali, Mr. Shahrukh Khan,
Mohd. Salman, Mr. Nazar Hussain
and Mr. Ahmad Saeed, Advocates

versus

STATE THROUGH PS JANAKPURI

.....Respondent

Through: Mr. Hemant Mehla, APP for State
with SI Deepak Patwal

CORAM: JUSTICE GIRISH KATHPALIA**JUDGMENT (ORAL)**

1. The accused/applicant seeks anticipatory bail in case FIR No. 191/2023 of Police Station Janakpuri for offence under Section 420 IPC.
2. Broadly speaking, the allegation against the accused/applicant is as follows. Mr. Daksh Sharma (*husband of the accused/applicant*), employed with the complainant *de facto*, purchased one second hand Mercedes Benz car from complainant *de facto* for a sum of Rs. 41,00,000/-. Mr. Daksh

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Sharma represented his wife, the present accused/applicant as purchaser. Thereafter, the said car was taken by the co-accused Vinod Paswan to Hathras. According to the complainant *de facto*, the said car is in possession of the present accused/applicant and cost of the same has not been paid to him. It is also alleged by prosecution that the said car was neither returned nor its cost was paid despite directions of this Court.

3. On behalf of accused/applicant, it is contended by the learned counsel that the said car stands returned to the complainant *de facto*. Learned counsel for accused/applicant has also referred to Annexure P-8 to the application, according to which, the complainant *de facto* had filed a civil suit for recovery of the car and that suit was withdrawn by him after return of the car. Besides, it is also submitted that the accused/applicant delivered a child in the month of April 2026, so she deserves not to be sent to jail.

4. Learned APP for State assisted by IO/SI Deepak Patwal accepts notice and opposes the anticipatory bail application on the ground that similar application of the husband of the accused/applicant was rejected and he has not surrendered till date. It is also contended that till date cost of that car has not been paid to the complainant *de facto*, though the car was returned. It is submitted that since the present accused/applicant was in custody of the said car, the return thereof subsequent to the offence is of no consequence. According to the IO, the alleged cheating is that Mr. Daksh Sharma represented his wife as his cousin.

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5. *Prima facie*, it appears to be a case of civil liability where Mr. Daksh Sharma, having purchased the car, did not pay cost thereof and subsequently, when the car was returned, the civil suit filed by the complainant *de facto* was withdrawn.

6. Merely because, husband of the accused/applicant has not surrendered after dismissal of his anticipatory bail application, the relief of anticipatory bail cannot be denied to the accused/applicant.

7. Further, one wonders as to what benefit would Daksh Sharma derive by falsely declaring his wife as his cousin, that too before his own employer, while purchasing the car.

8. There is another aspect. The FIR was registered on 16.07.2023 and according to the IO/SI Deepak Patwal, the steps taken by him to arrest the accused/applicant are that he conducted raids in Hathras on 16.01.2024 and 28.03.2024; he also issued notices to the accused/applicant on 21.01.2024 and 22.01.2024 to join investigation; and on 18.02.2026, he tried to execute warrants against her. No other effort was made by the IO to arrest the accused/applicant. Had the IO taken timely action to arrest the accused/applicant, if it was so required, another living being would not have come into this world and this Court is not able to ignore welfare of that two months old infant, especially in view of overall facts and circumstances narrated above. It seems that State is not even interested to arrest the accused/applicant, and rightly so in view of the above discussion.

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9. I do not find it a fit case to deny liberty to the accused/applicant, so the present application is allowed and it is directed that in the event of her arrest, the accused/applicant shall be released on bail, subject to her furnishing a personal bond in the sum of Rs. 10,000/- with one surety in the like amount to the satisfaction of the IO/SHO. Accompanying application also stands disposed of.

10. It is made clear that none of the above observations shall be read to the prejudice of either side at the stage of final arguments and at that stage, learned trial court shall take independent view on the basis of evidence adduced during trial.

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(JUDGE)**

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