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

% ***Date of Decision: 28th October, 2026***

\# **CNR No. DLHC010462552026**

\+ BAIL APPLN. 4084/2026

ADITYA KUMAR .....Petitioner

Through: Mr. Z.U. Khan, Sr. Adv. with Mr. A.C. David, Mr. Abhay Raj Verma, Mr. Arvind, Mr. Mazhar Khan, Mr. Rajesh Sharma and Ms. Vinky James, Advs.

versus

THE STATE GOVT. OF N.C.T OF DELHI .....Respondent

Through: Mr. Ajay Vikram Singh, APP for the State
Mob: 9868632122
Mr. Rajat Malik, SI, PS Dwarka(S)

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

MINI PUSHKARNA, J. *(Oral)*:

1. The present 02nd (second) bail application has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ("BNSS"), seeking grant of regular bail on behalf of the petitioner, i.e., Sh. Aditya Kumar S/o Sh. Akhilesh Kumar, in connection with the First Information Report ("FIR"), being *FIR No. 255/2025,* dated 07th June, 2025, under Sections 318(4)/316/61(2)/351(2)/3(5) of the Bharatiya Nyaya Sanhita, 2023 ("BNS"), registered at Police Station ("PS") Dwarka South, Dwarka, Delhi.

2. The relevant facts pertinent for the adjudication of the present

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application, culled out from the documents on record, are as follows:

2.1. The present FIR came to be registered on 07th June, 2025, at PS Dwarka South, Dwarka, Delhi, pursuant to a complaint made by Lt. Colonel Shatrughan Singh, i.e., father of the victim daughter, alleging that petitioner herein along with his father and other associates had entered into a criminal conspiracy to cheat and had dishonestly induced his daughter to invest approximately Rs. 39,00,000/- (Rupees Thirty-Nine Lacs Only) and had subsequently threatened them when repayment was demanded.

2.2. It is alleged that on 10th November, 2024, her daughter, without informing her family members, visited the residence of the petitioner to seek repayment of her invested money. However, the petitioner and his father allegedly abused her, threatened with dire consequences if she ever came to their residence again, and physically manhandled and pushed her out of their flat.

2.3. It is further alleged that, upon repeated demands for repayment, and in view of the complainant's social standing and position as a serving Gazetted Officer in the Indian Army, petitioner and his father issued two post-dated cheques towards repayment of the invested amount out of which one of the said cheque bearing no. 062731, drawn on the Union Bank of India, dated 03rd March, 2025, for an amount of Rs. 20,00,000/- (Rupees Twenty Lacs Only). The said cheque was deposited on 13th March, 2025, however, the same was dishonoured on account of insufficient funds.

2.4. Thereafter, on 16th March, 2025, upon being contacted by the complainant regarding the dishonour of the aforesaid cheque, the petitioner's father threatened him to take whatever action he deemed appropriate and further claimed to be in possession of a blank paper bearing

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the signature of the complainant's daughter, which he could use whenever he wants.

2.5. During search of the accused, neither the petitioner nor his father could be found. Accordingly, Non-Bailable Warrants (NBWs) were issued against them. The petitioner was formally arrested on 17th September, 2025, when he appeared before the Trial Court seeking cancellation of the NBWs.

2.6. During investigation, recordings of conversation between the petitioner and the complainant, and of another victim along with bank statements of the complainant and other victims were examined wherein it was found that the petitioner had initially transferred amounts to certain victims to gain their confidence. However, the petitioner failed to produce any documents establishing actual investment of the amounts received or the existence of the purported online portfolio scheme.

2.7. Upon completion of the investigation, a Final Report/Chargesheet dated 13th November, 2025, was filed by the Investigating Officer ("IO") before the Judicial Magistrate First Class ("JMFC"), South-West District, Dwarka Courts, Delhi.

2.8. The petitioner had earlier filed 08 (eight) bail applications before the Trial Court, all of which were dismissed.

2.9. The petitioner had earlier also preferred a bail application before this Court, i.e., *BAIL APPL. 635/2026*, which was dismissed as withdrawn *vide* order dated 08th July, 2026.

3. The role attributed to the petitioner in the Chargesheet, are as follows:

3.1. The accused Aditya Kumar, who was previously acquainted with the complainant's daughter, Manya Singh, through their school, allegedly gained her confidence and, in July 2024, induced her to invest money in a

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purported investment scheme. He represented that he and his father were engaged in share market and Forex trading and could multiply the invested amount within a short period.

3.2. He allegedly persuaded the complainant's daughter to keep the investment scheme secret from her family, assuring her that she could later surprise her parents with the substantial profits earned from the investment.

3.3. In order to gain the confidence of complainant's daughter and other investors, he allegedly showed them fabricated screenshots and bogus demat account statements reflecting substantial profits and transactions, thereby creating the impression that their investments were generating high returns.

3.4. He allegedly induced other persons, including college students and their family members, to invest money by promising substantial returns, including 100% returns, and representing that the money would be invested in share market, intraday and Forex trading.

3.5. Between July 2024 and October 2024, he allegedly received approximately Rs. 39 lakhs (Rupees Thirty-Nine Lacs) from the complainant's daughter in his bank account. He also allegedly received substantial amounts from other victims, through various bank accounts and intermediaries.

3.6. He allegedly continued to send WhatsApp messages and show fabricated account screenshots to the investors to represent that their money had been invested in trading and was generating profits. Whenever repayment was demanded, he allegedly postponed it on one pretext or another, including the completion of trading and withdrawal formalities.

3.7. When the complainant's daughter questioned him about the investment and demanded repayment, he allegedly abused and threatened

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her. Further, on 10th November, 2024, he, along with his father, allegedly manhandled her and pushed her out of their residence.

3.8. He, along with his father, allegedly assured the complainant that the invested amount would be returned in instalments. In this regard, he issued cheque bearing no. 062731, dated 03rd March, 2025, for an amount of Rs. 20 lacs (Rupees Twenty Lacs Only), drawn on Union Bank of India, which was dishonoured on 04th March, 2025, due to insufficiency of funds.

4. The Criminal Case, being *CR Cases 13302/2025,* in connection with the present FIR is pending adjudication before the JMFC-04, South-West District, Dwarka Courts, Delhi, and is presently at the stage of prosecution evidence.

5. Learned counsel appearing for the petitioner submits that the petitioner has been in judicial custody since 17th September, 2025, and has undergone more than one year of incarceration.

6. He submits that the investigation has already been completed and the chargesheet has been filed and charges have been framed.

7. He further submits that the petitioner is a young man, who is presently pursuing his final year of Bachelor of Commerce ("B.Com.") Programme and has secured admission to the Chartered Accountancy ("CA") Course and is diligently pursuing his academic studies.

8. It is further submitted that the petitioner has already returned the full amount of the loan to the complainant.

9. With regard to the charges, learned counsel for the petitioner submits that the petitioner has been discharged from the offences of criminal breach of trust and criminal intimidation, and that the only charge remaining against him is with regard to cheating.

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10. Thus, he submits that the regular bail may be granted to the petitioner.

11. *Per contra,* the present bail application is vehemently opposed by learned Additional Public Prosecutor ("APP") for the State.

12. He submits that there is not 01 (One) complainant, but the petitioner has cheated other young girls also, total 06 (Six) in number.

13. He further submits that the total amount of Rs. 72,00,000/- (Rupees Seventy-Two Lacs Only) has been cheated by the petitioner.

14. Having heard, learned counsel appearing for the parties, at the outset, this Court notes the submission made by the learned APP for the State that there are multiple victims, who all are young girls, who have been cheated by the petitioner on the ground of investment and higher returns.

15. Learned APP for the State has also shown the original file, wherein, statements of the victims have been recorded.

16. The statements clearly show that the petitioner has been cheating gullible persons of their hard earned money.

17. It is also to be noted that, as per the Chargesheet, there are total 16 (sixteen) prosecution witnesses in the present case, and none of the witnesses have been examined as yet.

18. At this stage, reference may be made to the judgment in the case of ***Rakesh Mittal Versus Ajay Pal Gupta, 2026 SCC OnLine SC 211,*** wherein, the Supreme Court has made the following observations:

> *"xxx xxx xxx*
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> ***15.*** *We are also conscious of the fact that this is not a case of cancellation of bail but a challenge to the validity of an order granting bail. Even in cases of cancellation of bail, the power to do so is not just limited to occurrence of supervening circumstances as the Court has the inherent power and discretion to cancel the bail of an accused even in the absence of supervening circumstances*

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(See Dolat Ram v. State of Haryana). One of the grounds enumerated therein, as relevant for exercise of such power, is where the past criminal record and the conduct of the accused are completely ignored while granting bail.

16. *Neeru Yadav v. State of Uttar Pradesh was a case where bail had been granted to a history-sheeter, charge-sheeted for a number of heinous offences, on the ground of parity. Observing that liberty is a priceless treasure for a human being and is a cardinal value on which civilization rests, this Court cautioned that liberty of an individual would however not be absolute as society, by its collective wisdom and through the process of law, can withdraw liberty that has been sanctioned to an individual when such an individual becomes a danger to the collective and to the societal order.* ***It was further observed that the High Court must exercise its discretion cautiously and when there is likelihood of offences being repeated or there is a danger of justice being thwarted by grant of bail, these are factors which should be taken into consideration while dealing with an application for bail.*** *It was further observed that cancellation of bail if the accused misconducted himself or due to some intervening circumstances is in a different compartment altogether from examination of an order granting bail which was unjustified, illegal or perverse. It was held that, if in a case, the relevant factors which should have been taken into consideration while dealing with the application for bail have not been taken note of or it is founded on irrelevant considerations; indisputably, the superior court can set aside such a bail order. Per this Court, such a case would belong to a different category and in a separate realm, as it delves into the justifiability and soundness of the order passed by the Court.*

17. *Again, in Neeru Yadav v. State of UP, this Court observed that* ***a crime, though committed against an individual, may not retain an individual character as the victim may be an individual but, in the ultimate eventuate, it is the society which is the victim. Further, observing that a crime, as is understood, creates a dent in the law-and-order situation and disturbs orderliness, this Court held that an individual can enjoy his liberty which is definitely of paramount value but he cannot be a law unto himself and he cannot cause harm to others.*** *It was held that an individual cannot be a nuisance to the collective or a terror to the society. Reference was made to the observations of E. Barrett Prettyman, Chief Judge of the US Court of Appeals (Retired), which read thus: -*

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"In an ordered society of mankind there is no such thing as unrestricted liberty, either of nations or of individuals. Liberty itself is the product of restraints; it is inherently a composite of restraints; it dies when restraints are withdrawn. Freedom, I say, is not an absence of restraints; it is a composite of restraints. There is no liberty without order. There is no order without systematised restraint. Restraints are the substance without which liberty does not exist. They are the essence of liberty. The great problem of the democratic process is not to strip men of restraints merely because they are restraints. The great problem is to design a system of restraints which will nurture the maximum development of man's capabilities, not in a massive globe of faceless animations but as a perfect realisation, of each separate human mind, soul and body; not in mute, motionless meditation but in flashing, thrashing activity."

Noting that the High Court, in that case, had totally ignored the criminal antecedents of the accused and what had weighed with the High Court was only the doctrine of parity, this Court set aside the bail granted to the accused therein.

18. *In Sudha Singh v. State of Uttar Pradesh, a 3-Judge Bench of this Court was dealing with the validity of a bail order passed in favour of an alleged contract killer. This Court found that the High Court had simply ignored the criminal antecedents of that accused.* ***It was observed that though liberty is important, even that of a person charged with crime, it is equally important for the Courts to recognize the potential threat to life and liberty of victims/witnesses, if such an accused is released on bail****.*

19. *Though the observations made in some of the above cases were in the context of heinous offences, which is not the case presently, we may note that the value of life and liberty of members of society is not limited only to their 'person' but would also extend to the quality of their life, including their economic well-being.* ***In offences of a pecuniary nature, where innocent people are cheated of their hard-earned monies by conmen, who make it their life's pursuit to exploit and feast upon the gullibility of others, the aforestated factors must necessarily be weighed while dealing with the alleged offenders' pleas for grant of bail.***

xxx xxx xxx"

(Emphasis Supplied)

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19. Perusal of the FIR reveals that the allegations of cheating against the petitioner are serious in nature, particularly in view of the multiple victims and the alleged amount involved. Further, trial in the matter is at nascent stage, and none of the witnesses, including the complainant, has been examined yet.

20. The submissions advanced on behalf of the petitioner that the evidence in the present case with regard to cheating is documentary in nature and already in possession of the IO, is a matter of trial and this Court will not go into the merits of this case at this stage.

21. Accordingly, considering the facts and circumstance of the present case, the nature and gravity of the allegations, the present stage of the trial, this Court does not find the present case to be a fit case for grant of regular bail.

22. The present bail application is accordingly dismissed.

MINI PUSHKARNA, J

OCTOBER 28, 2026/SK

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