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

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**BAIL APPLN. 2771/2024**

**SH KASHINATH HAZARI**

.....Petitioner

Through: Counsel for accused/applicant  
(*appearance not given*)

versus

**STATE GOVT OF NCT OF DELHI, INDIA**

.....Respondent

Through: Mr. Amit Ahlawat, APP for State  
with IO/ASI Surrender.

**CORAM:**

**HON'BLE MR. JUSTICE GIRISH KATHPALIA**

**ORDER**

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**10.03.2026**

1. The accused/applicant seeks anticipatory bail in case FIR No. 204/2024 of Police Station Narela for offence under Section 420/406/34 IPC.

1.1 This anticipatory bail application was taken up for the first time on 06.08.2024 before the predecessor bench for hearing and after referral of the dispute to the mediation centre, the accused/applicant was granted interim protection from arrest till next date. That interim protection continued on date to date basis before different predecessor benches. Today, this matter came up before me for the first time as a part of 179 such old pending bail applications.

2. In furtherance of previous orders, learned counsel for accused/applicant seeks another period of 15 days to pay back the complete allegedly cheated amount. This is strongly opposed by learned counsel for complainant *de facto* as well as learned prosecutor assisted by IO/ASI Surrender. It is trite that bail court is not a court for recovery of money. In



this regard, the legal position is discussed in the judgment titled as **Umesh Verma vs State**, 2025 SCC OnLine Del 8078. In view of the legal and factual position discussed hereafter, I find no reason to adjourn the matter. As such I have heard learned counsel for accused/applicant and learned APP for State assisted by learned counsel for complainant *de facto*.

3. Broadly speaking, the allegation against accused/applicant is that being the Managing Director of a travel company namely, EWD Hotels, he collected money from 100 individuals to the total tune of Rs.17,00,000/- in February-March 2023 for arranging a trip to Thailand during the period from 16.04.2023 to 28.04.2023. The said amount was collected by the accused/applicant under the pretext of arranging air tickets and hotel vouchers. But no flight ticket was supplied by the accused/applicant to complainant *de facto*. Rather, the accused/applicant and other directors of EWD Hotels became untraceable. In the course of investigation, it also came out that the PNR numbers provided by the accused/applicant to the complainant *de facto* were fake.

4. Learned counsel for accused/applicant contends that a simple commercial transaction has been given colour of criminality and no offence of cheating is made out. It is contended by learned counsel that since the accused/applicant transmitted the collected money to the concerned airline but the latter became insolvent and could not issue flight tickets, the accused/applicant cannot be held liable. Further, it is contended by learned counsel for accused/applicant that the IO has not been fairly investigating the case. It is also contended by learned counsel that the accused/applicant has already returned partial amount to the complainant *de facto*, so he deserves indulgence of anticipatory bail.



5. Learned APP for State assisted by IO/ASI Surender and by learned counsel for complainant *de facto* strongly opposes grant of anticipatory bail, submitting that the accused/applicant furnished forged PNR numbers to the complainant *de facto*, which goes to show that it is not a simple case of commercial transaction. Further, it is also contended that the concerned airline became insolvent much later.

6. At this stage, learned counsel for accused/applicant on instructions of his client seeks permission to withdraw this anticipatory bail application with liberty to file afresh pleading further details along with documents reflecting that the money received by the accused/applicant in February-March 2023 was transmitted by him to the concerned airline for arranging flight tickets for April 2023 and also the documents reflecting booking of the hotels prior to April 2023.

7. As requested, the anticipatory bail application is dismissed as withdrawn with liberty as sought.

**GIRISH KATHPALIA, J**

**MARCH 10, 2026/ry**