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

+ **BAIL APPLN. 4552/2025**

AMIT KUMAR SINGH

.....Petitioner

Through: Mr. Rohit Yadav, Mr. Kunal Yadav, Ms. Vidhi Aggarwal, Ms. Annu Malhotra & Ms. Kaveri Chauhan, Advocates.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Ms. Manjeet Arya, APP for State with SI Ankit Maan, PS Subhash Place.
Mr. Dhruv Gupta, Advocate for complainant.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **25.02.2026**

1. By way of this application, the petitioner seeks anticipatory bail in connection with FIR No. 526/2025, dated 22.08.2025, under Sections 318(4)/319(2)/336(3)/340(2)/3(5) of the Bharatiya Nyaya Sanhita, 2023 ["BNS"], registered at Police Station Subhash Place.
2. The allegations in the FIR concern a complaint of one Mr. Deepak Garg, who is the Director of M/s RD Retail India Private Limited. The contents of the FIR may be summarized as follows:
 - (a) The complainant deals in rice and other products.
 - (b) He was approached by two persons, being co-accused Deepak



- Kumar Singh and Basudev Swain, who introduced themselves as Senior Purchase Officer and CEO of Smartvalue Limited [“the Company”] respectively, which is engaged in the networking business. It is alleged that they wanted to introduce rice as a product in their business, and therefore required a huge quantity of rice, for which purpose they placed a sample order of the value of approximately Rs. 20 lakhs, against invoices. The complainant relied upon their assurances of high returns, and accepted the order.
- (c) The co-accused were accompanied by the present petitioner who introduced himself as the business manager of the Company.
 - (d) The goods were thereafter taken from the complainant’s godown in May 2025, after the accused purportedly validated the bills by putting the signatures/stamps on behalf of the Company.
 - (e) After receiving the goods, however, the Company did not pay.
 - (f) The entire dealings and meetings took place at the address of the complainant, i.e. property bearing No. 608, Pearls Omaxe Tower, 6th Floor, Netaji Subhash Place, New Delhi - 110034.
 - (g) The complainant thereafter met a representative of the Company, namely Gaurav, and learnt that the present petitioner had left the Company some time ago, and co-accused Deepak Kumar Singh and Basudev Swain were not associated with the company in any manner.
 - (h) The present petitioner, being an ex-employee of the Company, had knowledge of the workings of the Company, and introduced impersonators to procure goods from the complainant without payment. It is also alleged that the accused persons used forged and



fabricated documents, including letterheads and stamps of the Company.

3. Mr. Rohit Yadav, learned counsel for the petitioner, submits that the contents of the complaint, in so far as the petitioner is concerned, are entirely false and baseless. He submits that the petitioner has had no contact with the complainant at all and there is no forensic evidence of any nature to link him to the allegations in the FIR. It is further submitted that both the co-accused, namely, Deepak Kumar Singh and Basudev Swain have been granted regular bail by the Court of the Chief Judicial Magistrate [“CJM”] *vide* order dated 08.01.2026, but the petitioner’s application for anticipatory bail has been rejected by the Sessions Court *vide* order dated 18.11.2025.

4. Mr. Yadav has also relied upon certain photographs filed alongwith a miscellaneous application [CRL.M.A. 37781/2025] to show that the petitioner was not, in fact, present in Delhi at any time in the month of May 2025, and the allegations against him are therefore false.

5. Ms. Manjeet Arya, learned Additional Public Prosecutor, has filed a status report dated 12.02.2026, which is handed up in Court and is taken on record. In the status report, the allegations in the FIR are reiterated, and it is stated that the sale proceeds were allegedly misappropriated. An affidavit-cum-undertaking was sent by co-accused Deepak Kumar Singh to the complainant assuring payment, but the amount remained unpaid. The statement of the representative of the Company, namely Gaurav, has also been recorded under Section 180 of BNSS.

6. It is also stated in the status report that CDR and location details of the co-accused Deepak Kumar Singh and Basudev Swain were traced to



Varanasi, but they were produced before the Court at Bhubaneswar. Ms. Arya, upon instructions from the Investigating Officer [“IO”], who is present in Court, states that this is an error which the Station House Officer [“SHO”] failed to notice before submitting the status report, and they were, in fact, traced to Bhubaneswar, and produced before the Court there.

7. The Status Report also reveals that a judicial TIP was conducted wherein one Jony Panchal, who is the person who allegedly delivered the goods, identified co-accused Deepak Kumar Singh. The chargesheet has also been filed against co-accused Deepak Kumar Singh and Basudev Swain. A supplementary chargesheet will be filed against the present petitioner, upon completion of investigation against him.

8. Mr. Dhruv Gupta, learned counsel for the complainant, submits that the present petitioner was, in fact, the kingpin of the exercise, having been working in the Company, and having access to their letterheads, rubber stamps and business information. He submits that the petitioner also participated in all discussions and, contrary to the status report, he submits that the affidavit-cum-undertaking for payment was, in fact, signed by the present petitioner. Ms. Arya, however, reiterated at this stage, that no affidavit-cum-undertaking signed by the present petitioner is available on the police records. It may be noted that no affidavit or other materials have been filed by the complainant before this Court. Although the complainant has been represented in these proceedings since the very first date of hearing on 26.11.2025, no request for filing of an affidavit has been made on any prior date of hearing.

9. At the very outset, it may be noted that the CJM has granted



regular bail to both the co-accused vide order dated 08.01.2026, i.e. after filing of the chargesheet against them. The CJM found that the material against them was only documentary, by way of purchase orders and identification by the carrier. They had not identified by the complainant in TIP (although Deepak Kumar Singh was identified by the carrier who delivered the goods) and there was no material on record to show any direct communication between the complainant and the said co-accused.

10. Having heard learned counsel for the parties, I find that, in view of the *prima facie* material placed on record by the prosecution in the present case, grant of anticipatory bail to the petitioner is justified, for the following reasons:

- (a) The allegation of cheating arises from a commercial transaction for sale of rights to the value of approximately Rs. 20 lakhs. In such a case, the evidence would be largely documentary. In fact, documents with regard to the alleged transactions have already been collected and filed with the main chargesheet.
- (b) The presence of the present petitioner at the place of occurrence in May 2025 is not supported by any forensic evidence, nor are there any call logs submitted by the complainant to demonstrate contact with the petitioner. The photographs placed on record by the petitioner bear date and place stamps, which *prima facie* suggest that he was not in Delhi at the relevant time.
- (c) The CDR of the other two co-accused have been traced by the prosecution, but not that of the complainant.
- (d) The affidavit-cum-undertaking relied upon by the prosecution is also stated to have been signed by the co-accused Deepak Kumar



Singh, and not the petitioner.

11. Having regard to the aforesaid factors, I am of the view that the petition is liable to succeed, subject to the petitioner undertaking to join the investigation and cooperate with the IO.

12. In the aforesaid facts and circumstances, it is directed that in the event of arrest in connection with FIR 526/2025 dated 22.08.2025, registered at Police Station Subhash Place, the petitioner will be released on bail upon furnishing of a personal bond in the sum of Rs. 25,000/- with one surety in the like amount, to the satisfaction of the concerned IO/SHO, and subject to the following conditions:

- a. The petitioner shall report to the IO on 26.02.2026 at 4:00 PM and shall thereafter join and cooperate with the investigation as and when required by the IO;
- b. The petitioner shall furnish his mobile number to the IO and shall ensure that the said mobile number remains operational and switched on at all times. The mobile number shall not be changed, nor shall the phone be switched off, without prior intimation to the IO;
- c. The petitioner shall furnish his residential address to the IO and shall not change the same without prior intimation to the IO;
- d. The petitioner shall not, directly or indirectly, influence the complainant or any witness, nor shall he tamper with the evidence in any manner whatsoever;
- e. The petitioner shall not commit any offence during the pendency of the proceedings.

13. The bail application stands disposed of in the above terms.



14. It is clarified that the observations made herein are solely for the purpose of adjudication of the present bail application, and shall not be construed as an expression of opinion on the merits of the case, nor shall they prejudice the rights and contentions of the parties at any stage of the proceedings.

PRATEEK JALAN, J

FEBRUARY 25, 2026

Pv/AD/