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

+ **BAIL APPLN. 5029/2025**

JAKIR DAUD KHAN

.....Applicant

Through: Mr. Madan Lal Kalkal, Mr. Vinod
Kr. Sharma, Ms. Priya and Mr. Md.
Imran Siddiqui, Advs.

versus

STATE GOVT. OF NCT OF DELHI

.....Respondent

Through: Mr. Satish Kumar, APP for State
with Mr. Aditya Vikram Singh, Ms.
Divya Bakshi, Ms. Upasna Bakshi
and Mr. Gourav Singh, Advocates
with Insp. Laxman Kumar, PS:
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CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER
28.04.2026

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1. By virtue of the present application under *Section 483* of the Bharatiya Nagarik Suraksha Sanhita, 2023 (**BNSS**), the applicant seeks regular bail in proceedings arising out of FIR No.178/2022 dated 15.12.2022 registered under *Sections 406/420/467/468/120B* of the Indian Penal Code, 1860 and *Sections 25/54/59* of the Arms Act, 1959 (**AA**), at PS.: Economic Offences Wing, Mandir Marg, Delhi.

2. *Succinctly put*, as per the case set up by the prosecution, the present FIR was registered based on the complaint(s) filed by Mr. Dharmendra Kumar and other victims (**complainants**) alleging that M/s. Fiza Placement Pvt. Ltd. and M/s. ASIATAS Consulting (OPC) Pvt. Ltd.,



through their directors and employees, cheated them on the pretext of providing work permit visas and overseas employment in Gulf countries and, thus, the complainants were induced to submit their passports and pay money for the same. Thereafter, the said companies closed their respective offices and misappropriated the money of the complainants.

3. During investigation, based on the disclosure statement of the co-accused person, raids were conducted involving various persons who were involved in the aforesaid fraud/ cheating. This included the applicant, who was the ultimate beneficiary of the cheated amount. However, as the applicant was evading arrest, he was declared a Proclaimed Offender by the learned Trial Court on 16.02.2024. Though he was finally arrested on 11.06.2025. In the proceeding before the learned Trial Court, the chargesheet(s) have since been filed and currently, the matter is at the stage of framing of charges.

4. At the outset, learned counsel for the applicant submits that the name of the applicant is neither mentioned in the FIR nor in the main chargesheet and that he has, interestingly, only been arrested based on the disclosure statement made by the co-accused person. He submits that since the applicant was working as an Office Boy/ Peon in the said companies, he had no active role to play in the events which are part of the proceedings herein.

5. Learned counsel also submits that since there are *154 witnesses* in the present proceedings and the charges are yet to be framed *qua* the applicant herein, there is a high probability that the conclusion thereof shall take considerable time.

6. Lastly, learned counsel relies upon the order dated 06.02.2024



passed by the Co-ordinate Bench of this Court in BAIL APPLN. 3708/2023, and submits that a similarly situated co-accused person has already been granted bail, thus, the applicant herein ought to be granted bail on the ground of parity.

7. In response, relying upon the Status Report learned APP for the State submits that the investigation has revealed that huge amounts had been directly transferred into the account of the applicant herein, making him the ultimate beneficiary thereof, as also, he was in direct touch with the co-accused persons since he was a part the two organisations, namely M/s. Fiza Placement Pvt. Ltd. and M/s. ASIATAS Consulting (OPC) Pvt. Ltd. He lastly submits that considering the nature of the assertions, the allegations as also the amount of total number of transactions involved, it would not be fair for the applicant to be released on bail, more so, since he had been declared a Proclaimed Offender before.

8. To this, learned counsel for the applicant submits that since the applicant had never been served with the copy of the notice under *Section 41(a)* of the Code of Criminal Procedure, 1973, there was no occasion for him to join and participate in the investigation.

9. This Court has heard the learned counsel for the applicant as also the learned APP for the State and has perused the documents as also the Status Report as well.

10. Taking into account the submissions made by learned counsel for the applicant, as also, since the applicant being an Office Boy/ Peon was not holding a designated post of value in any of the entities named, as also considering the significant number of witnesses involved and the stage of proceedings before the learned Trial Court, the conclusion of the trial is



likely to take considerable time. As such, in the opinion of this Court, whence the overall facts and circumstances are taken cumulatively, the same weigh in favour of the applicant for being released on bail.

11. Accordingly, the present application is allowed and the applicant be released on regular bail in proceedings arising out of FIR No.178/2022 dated 15.12.2022 registered under *Sections 406/420/467/468/120B* of the IPC and *Sections 25/54/59* of the AA, at PS.: Economic Offences Wing, Mandir Marg, Delhi subject to him furnishing a personal bond in the sum of Rs.25,000/- [*Rupees Twenty Five Thousand Only*] along with one surety of the like amount by a family member/ friend having no criminal case pending against him/ her and subject to the satisfaction of the learned Trial Court, and further subject to the following conditions:

- i. Applicant shall not leave NCT of Delhi without prior permission of this Court and shall ordinarily reside at the address as per prison records. If he wishes to change his residential address, he shall immediately intimate about the same to the IO by way of an affidavit.
- ii. Applicant shall surrender his Passport, if any, to the IO, within a period of *three days*.
- iii. Applicant shall appear before the Court as and when the matter is taken up for hearing.
- iv. Applicant shall provide all his mobile numbers to the IO concerned which shall be kept in working condition at all times and setting for mobile location be kept on at all times.
- v. Applicant shall report to the IO at PS.: EOW, Mandir Marg, Delhi *once every month* in the first week of the month unless leave



of every such absence is obtained from the learned Trial Court.

vi. Applicant shall not indulge in any criminal activity and shall not communicate with or come in contact with any of the prosecution witnesses, or tamper with the evidence of the case.

12. In the light of the afore-going, the present bail application is accordingly disposed in the aforesaid terms.

13. Copy of this order be sent to the concerned Jail Superintendent for information and compliance *forthwith*.

14. The observations expressed hereinabove, if any, being tentative in nature, will not come in the way of any subsequent proceedings, which shall be dealt on their own merits.

SAURABH BANERJEE, J.

APRIL 28, 2026/So