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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% **Date of Decision: 06th October, 2026**# **CNR No. DLHC011064702025**+ **BAIL APPLN. 5050/2025 & CRL.M.A. 38842/2025****ARSHAD**

.....Applicant

Through: Mr. Akshay Bhandari, Mr. Kushal Kumar, Ms. Megha Saroa, Ms. Tanuja and Mr. Janak Raj Ambawat, Advs.

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versus

STATE GOVT OF NCT OF DELHI

.....Respondent

Through: Mr. Ajay Vikram Singh, APP for the State
Mr. Laxman Kumar, Inspector, POW, Delhi**CORAM:****HON'BLE MS. JUSTICE MINI PUSHKARNA****MINI PUSHKARNA, J. (Oral):**

1. The present application has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ("BNSS"), seeking regular bail in connection with the proceedings arising from the First Information Report ("FIR") being *FIR No. 178/2022* dated 15th December, 2022, registered at Police Station ("PS") Economic Offences Wing ("EOW"), Delhi, under Sections 406/420/409/468/120B of the Indian Penal Code, 1860 ("IPC"), and Sections 25/54/59 of the Arms Act, 1959 ("Arms Act").
2. The aforesaid FIR was initially registered under Sections



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406/420/467/468/120B of the IPC on the basis of a complaint made by the complainant, namely, Mr. Dharmendra Kumar, along with 80 similar complaints made by other complainants.

3. The case being *Cr. Case 2923/2023*, in connection with the present FIR, is pending adjudication before the Chief Judicial Magistrate, South West, Dwarka Courts, New Delhi, and is presently at the stage of arguments on charge.

4. A Chargesheet dated 09th March, 2023, and a Supplementary Chargesheet dated 10th June, 2024, have been filed by the concerned Investigating Officer (“IO”) before the Trial Court. As per the said Supplementary Chargesheet, the applicant has been charged under Sections 406/420/409/468/120B of the IPC and Sections 25/54/59 of the Arms Act.

5. The applicant has previously moved two bail applications before the Trial Court, which were dismissed *vide* orders dated 19th July, 2023, and 08th February, 2024. The applicant was also denied bail by this Court *vide* order dated 22nd May, 2024, in *BAIL APPLN. 1544/2024*.

6. The case of the prosecution, as disclosed from the material on record, is as follows:

6.1. The companies, namely, M/s Fiza Placement Pvt. Ltd. and M/s ASIATAS Consulting (OPC) Pvt. Ltd., claimed to provide overseas placement and employment in Gulf countries, and to arrange for employment visas and flight tickets.

6.2. The directors and employees of the said companies cheated the complainants by inducing them to submit their passports and pay money into their bank accounts on the pretext of securing overseas employment.

6.3. Thereafter, the companies closed their respective offices and



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misappropriated the money of the complainants for their own use.

6.4. During the course of investigation by the police, simultaneous raids were conducted at two different addresses and the accused persons, including the applicant herein, were arrested. Several pieces of incriminating evidence, such as passports, cheque books, forged visas and rubber stamps were recovered from the possession of the accused persons.

7. It is the case of the applicant that the applicant was neither a director nor an owner of the aforesaid companies, but was merely an employee.

8. Learned counsel appearing for the applicant draws the attention of this Court to the Seizure Memo dated 16th December, 2022, pertaining to the seizure of 29 seals used for the purpose of printing visas for different countries. By referring to the said Seizure Memo, he submits that the same does not bear the applicant's signature, and therefore, the recovery cannot be said to have been done at the applicant's behest.

9. It is further submitted that there are 154 witnesses in respect of the proceedings before the Trial Court and the case is still at the stage of framing of charges. Consequently, the trial proceedings are likely to take time to conclude.

10. As per the Nominal Roll dated 02nd February, 2026, provided by the concerned Jail Authorities, the applicant has been in custody since 16th December, 2022, i.e., for approximately three years. Accordingly, it is submitted that the applicant has undergone a substantial period of incarceration as an undertrial prisoner.

11. Moreover, it is submitted that out of the seven co-accused persons mentioned in the aforesaid Supplementary Chargesheet, three accused persons have already been granted bail.



12. In response, learned Additional Public Prosecutor (“APP”) appearing for the State submits that the bank transaction record reveals that the applicant is a direct beneficiary of the amount obtained by cheating the complainants.

13. He submits that the applicant had hired the premises from which M/s Fiza Placement Pvt. Ltd. was operating, i.e., *306, Westend Mall, Janakpuri District Centre, New Delhi-110058* (“subject premises”).

14. He further submits that the disclosure statements of the co-accused persons corroborate the role of the applicant in the conspiracy to cheat innocent job seekers by running illegal recruitment operations.

15. This Court is informed that a country-made pistol and five live cartridges were recovered from the possession of the applicant. Forged rubber stamps/seals of various foreign countries were also recovered at his instance.

16. Having heard learned counsels for the parties, it is to be noted that the present case involves cheating on the pretext of providing work permit visas and overseas employment in Gulf countries.

17. This Court records the submission made by learned APP appearing for the State that the investigation conducted by the police establishes that the applicant was actively involved in running illegal recruitment operations without a license, and with the intent to cheat innocent job seekers. The total cheated amount is more than Rs. 1 Crore, as per the investigation conducted so far.

18. Furthermore, with regards to the specific role of the applicant, the Status Report on behalf of the State states as follows:



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- I. That multiple written complaints have been received from victims specifically naming the petitioner/accused Arshad for inducing them to part with money on the false assurance of overseas employment and work permit visas.
- II. That incriminating WhatsApp chats recovered from the mobile phone of the petitioner/accused and other co-accused clearly establish that the applicant was in regular contact with M/s ASIATAS Consulting (OPC) Pvt. Ltd., other accomplices, and victims, and was actively involved in arranging forged visas (including Azerbaijan and Iraq), offer letters, and other documents. These chats form part of the charge sheet.
- III. That during investigation, 154 passports of victims were recovered at the instance of the petitioner/accused Arshad, which were being illegally retained without any authority of law.
- IV. That an improvised country-made pistol and five live cartridges were recovered from the possession of the petitioner/accused. The FSL report

confirming the illegal nature of the weapon has been received and filed before the Ld. Trial Court.

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- XI. That the bank account of the petitioner/accused Arshad maintained with DCB Bank reflects the same address as M/s ASIATAS Consulting (OPC) Pvt. Ltd., i.e., 205, 2nd Floor, Rohit House Building, Barakhamba Road, New Delhi-110001, clearly establishing his direct association with the accused company.
- XII. That bank transaction records reveal that the applicant/accused is a direct beneficiary of the cheated amount. Cheated amount is more than ₹1 crore.
- XIII. That the rent agreement executed between Mr. Varun Pruthi and the applicant/accused Arshad establishes that he hired the premises at 306, Westend Mall, Janakpuri District Centre, New Delhi-110058, from where M/s Fiza Placement Pvt. Ltd. was operating.

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19. Perusal of the aforesaid Status Report clearly shows that the applicant was actively involved in cheating members of the general public and was a direct beneficiary of the cheated amount, which is stated to be more than Rs. 1 Crore, and was obtained from more than 150 victims.

20. Further, the rent agreement in respect of the subject premises, from which M/s Fiza Placement Pvt. Ltd. was operating, was executed by the applicant.

21. It is also significant that a Forensic Science Laboratory (“FSL”) Report confirmed the illegal nature of the weapons recovered from the possession of the applicant.

22. Considering the gravity of the offence, the magnitude of the fraud committed, and the recovery of illegal weapons from the possession of the applicant, this Court is of the view that the applicant has not been able to show that his case is fit for the grant of bail.

23. Learned counsel appearing for the applicant has relied upon the order dated 28th April, 2026, passed by this Court in *BAIL APPLN. 5029/2025*, titled as *Jakir Daud Khan Versus State Govt. of NCT of Delhi*, to submit that one of the co-accused persons in respect of the FIR in question has been granted bail. However, it is noted that the said co-accused person had been granted bail after consideration of the fact that he was an office boy/peon, and had not been holding a designated post of value in any of the aforementioned companies.

24. *Per contra*, the case of the present applicant stands on a completely different footing, as the evidence indicates his active involvement in cheating gullible members of the public, and shows that he was a direct beneficiary of the amount obtained by cheating them. Further, illegal



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weapons have been recovered from his possession. These factors collectively demonstrate that the applicant is not entitled to claim parity with the co-accused person in *BAIL APPLN. 5029/2025*.

25. Thus, considering the facts and circumstances of the present case, no merit is found in the plea of the applicant.

26. It is clarified that the observations made herein are purely for the purpose of adjudication of the present bail application, and the same shall not be construed as an expression of opinion on the merits of the case.

27. The present bail application, along with the other pending application, is accordingly dismissed.

MINI PUSHKARNA, J

OCTOBER 6, 2026/KR/SK