



2026:DHC:2991



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

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*Date of Decision: 10.04.2026*

+ **BAIL APPLN. 462/2026**

JAI PRAKASH

.....Petitioner

Through: Mr. Puneet Kumar Sharma, Advocate.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Hemant Mehla, APP for State  
with IO/SI Neeraj.

**CORAM: JUSTICE GIRISH KATHPALIA**

**JUDGMENT (ORAL)**

1. The accused/applicant seeks regular bail in case FIR No. 385/2025 of Police Station Kotwali for offence under Section 316(2)/318(4)/3(5) BNS.
2. After last date, status report was filed. I have heard learned counsel for accused/applicant and learned APP for State assisted by IO/SI Neeraj.
3. Broadly speaking, the prosecution case as explained in the status report is as follows. The complainant *de facto* was approached by the accused/applicant representing himself to be connected with the business entities namely M/s Swastik Trading Company and M/s Swastik Fashion.



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On being induced by the accused/applicant and his associates, the complainant *de facto* supplied to those business entities goods on credit. The cheque towards cost of those goods got dishonoured, but thereafter despite repeated requests, the accused persons did not pay the due amount, so the complainant *de facto* initiated proceedings under Section 138 of Negotiable Instruments Act.

4. Learned counsel for accused/applicant contends that the purely civil dispute has been given colour of criminality and that no offence of cheating is made out. It is also submitted that the accused/applicant is neither proprietor nor partner of the business entities, who allegedly received goods from the complainant *de facto*. It is also submitted that the accused/applicant had made part payment of approximately Rs.6,50,000/- to the complainant *de facto* so it cannot be a case of cheating but he remains in custody since 18.07.2025.

5. Learned APP submits that the accused/applicant induced the complainant *de facto* so the latter supplied goods on credit and this according to prosecution is cheating.

6. Given the above mentioned factual matrix, I find substance in the argument of the learned counsel for the accused/applicant that what was at the most a civil liability, has been given colour of criminality only to arm-twist the accused/applicant for recovery of money. In any case, as mentioned above, even proceedings under Section 138 of Negotiable



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Instruments Act are pending. There is nothing on record to show that the accused/applicant is either proprietor or partner of the said two business entities, who allegedly received the goods.

7. Of course, the above observations are for the limited purpose of analysis of the arguments of the prosecution side. The learned trial court shall take independent view at final stage after the evidence is adduced.

8. For the time being, I find no reason to further deprive liberty to the accused/applicant.

9. Therefore, the bail application is allowed and accused/applicant is directed to be released on bail subject to his furnishing a personal bond in the sum of Rs.20,000/- with one surety in the like amount to the satisfaction of the Trial Court.

10. A copy of this order be immediately transmitted to the concerned Jail Superintendent for informing the accused/applicant.

**GIRISH KATHPALIA  
(JUDGE)**

**APRIL 10, 2026/ry**