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

% *Date of Decision: 12.08.2026*

\# **CNR No. DLHC010271602026**

\+ **BAIL APPLN. 2386/2026**

GULSHAN .....Petitioner

Through: Mr. Prashant Manchanda, Mr. Angad Singh, Mr.Rohan Pratap Singh and Mr. Varun, Advocates.

versus

STATE OF NCT DELHI .....Respondent

Through: Mr. Amit Ahlawat, APP for the State with SI Rajak Ahmad.
Mr. Rama Nath Jha, Advocate for complainant.

CORAM: JUSTICE GIRISH KATHPALIA

J U D G M E N T (ORAL)

1. The applicant/accused seeks regular bail in case FIR No. 08/2026 of PS Chitranjan Park, New Delhi for offence under Section 318(4)/336(3)/340(2)/316(5) BNS.

2. Broadly speaking, the allegation against the accused/applicant is that while employed as an accountant in the school of the complainant *de facto*, he with the help of his immediate superior clerk Ms. Alka Sharma fudged

the accounts of the school in order to misappropriate EPF contributions. It is during special audit that the management of the school came to know about the misappropriation of funds being done by the accused/applicant and the co-accused Alka Sharma since the year 2019. The FIR was registered on the complaint dated 04.11.2025 of the Principal of the school.

3. In the first call today, the matter was passed over at request of learned counsel for accused/applicant. In this second call, arguments have been heard. Learned APP for the State submits and rightly so that the manner of investigation by the IO/SI Rajak Ahmad in this case seems to be suspicious.

4. As recorded in the order passed today itself in the anticipatory bail application of co-accused Alka Sharma, who was allegedly an immediate senior of the present accused/applicant and whose interim protection from arrest had already been withdrawn by this Court, the IO stated today that he does not want to arrest her. That is, of course, prerogative of the IO. But there is something more. Despite last order dated 07.08.2026 describing the role of the Director Mr. S.C. Bahri of the management and submission of the counsel for accused/applicant that senior functionaries of the management who are ultimate beneficiaries are not being acted against, till date the IO has taken no action/investigation in that regard. Further, along with this bail application dated 29.06.2026, the accused/applicant had filed a copy of e-mail dated 22.08.2025 addressed to Mr. Arun Jain, Chairman of the management committee, thereby disclosing the financial bungling which

alleged bungling forms basis of the present FIR. But till date, IO/SI Rajak Ahmad has not carried out any investigation on that line. Rather, in the said e-mail, the present accused/applicant has levelled serious allegations against the co-accused Alka Sharma also, whom the IO does not want to arrest.

5. Furthermore, learned APP, on instructions of learned counsel for complainant *de facto,* submits that the IO is also concealing from this Court a letter of apology mailed by the accused/applicant to the management, which clearly shows his complicity.

6. At this stage, on specific directions the IO has produced before me a copy of the letter dated 19.04.2025 handwritten and signed by the accused/applicant in which the accused/applicant not just admitted his complicity but also admitted having received a sum of Rs. 31,60,354/- in his bank account and towards repayment of the same, he drew three post dated cheques as well and assured to pay the balance amount after selling land of his father. Copy of this letter dated 19.04.2025 has been clearly concealed by the accused/applicant from this court.

7. Learned counsel for accused/applicant is not coming clear as to why copy of this letter dated 19.04.2025 was concealed from this Court. Learned counsel submits that he did not disclose about that letter because according to IO, the investigation against the accused/applicant stands completed. But this explanation does not convince, because the said letter is practically self

incriminating letter, admittedly addressed in his own hand by the accused/applicant. So far as the IO remaining silent is concerned, as mentioned above, learned APP himself is feeling suspicious about his conduct.

8. Learned counsel for accused/applicant submits that he has been made a scapegoat in the larger scam. But the fact remains that the accused/applicant is a beneficiary of money, as mentioned above. Besides, I have also gone through the special audit report, including the portions at *pdf* 47, 55, 57, 62 and 64 of the paper book in the case of co-accused Alka Sharma, which extensively described role of the present accused/applicant.

9. Considering the overall circumstances, especially concealment of his apology letter by the accused/applicant, I do not find it a fit case to grant bail to the accused/applicant. Therefore, the bail application is dismissed.

10. However, it is made clear that none of the observations made in this order shall be read to the prejudice of either side at the stage of culmination of trial and the trial court shall take independent view.

11. <u>Copy of this order be sent to the Commissioner of Police with the direction to consider if investigation of this case be handed over to some other senior police officer of the rank not below an Inspector, and the investigation be supervised consistently by the concerned DCP. Copy of this</u>

<ins>order be also sent to the concerned Jail Superintendent for being conveyed to the accused/applicant.</ins>

12. At this stage after dictation of the judgment, learned counsel for accused/applicant seeks bail on the ground of parity with Alka Sharma and non arrest of Mr. Bahri and other senior officers of the management. But as mentioned above, the prosecution itself has expressed suspicion about the manner in which the IO has been acting, so there is no question of parity with them. Besides, in case of the accused/applicant, he himself admitted his guilt in writing, describing himself to be one of the beneficiaries of the alleged fraud.

13. It is further submitted by learned counsel for accused/applicant that bail proceedings cannot be punitive proceedings. Of course, bail should not be denied as punitive measure. But in the present case, as mentioned above, the accused/applicant concealed vital document from this Court and investigation is pending and the same is likely to be transferred to some senior police officer, which further investigation would also reveal about the connection between the present accused/applicant and the senior functionaries of the management allegedly involved in this fraud.

GIRISH KATHPALIA

Digitally signed by GIRISH KATHPALIA
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GIRISH KATHPALIA
(JUDGE)

AUGUST 12, 2026/rs