



2026:DHC:3591



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

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Date of Decision: 28.04.2026

+ **BAIL APPLN. 1235/2025 & CRL.M.A. 9548/2025**

KUSHAL KANWAR

.....Petitioner

Through: Ms. Sakshi, Advocate (*through
videoconferencing*).

versus

STATE OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Amit Ahlawat, APP for State
with SI Vivek, PS Neb Sarai with Mr.
Anant, DCP.

Ms. Mandavi Pandey, Mr. Vikas
Tripathi, Mr. Chandan, Mr. Sanjeev
Kr. Mishra, Ms. Shivani, Ms. Mansi
Singh and Ms. Heena Kumari,
Advocates for victim with victim in
person.

CORAM: JUSTICE GIRISH KATHPALIA

J U D G M E N T (ORAL)

1. The accused/applicant seeks anticipatory bail in case FIR No. 531/2022 of Police Station Neb Sarai for offence under Section 406/420/34 IPC.



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2. In the first call, none appeared for the accused/applicant, so matter was passed over awaiting the counsel for the accused/applicant.

3. In this second call, learned counsel for accused/applicant seeks adjournment on the ground that the main counsel is not available. The *vakalatnama* bears names and signatures of three counsel. But even in second call, none of them has appeared. In view of further discussion, I find no reason to grant any further accommodation.

4. Broadly speaking, prosecution allegation against the accused/applicant is that he cheated widow of a Pulwama martyr, who was employed with CRPF. According to prosecution, the amount fraudulently obtained by the accused/applicant was Rs. 20,00,000/-, which was collected by him from the complainant *de facto* widow under the pretext of investing the same for her. The said amount was collected by way of an agreement dated 28.11.2018. But the accused/applicant, instead of investing the said amount, transferred the same in his personal bank account and withdrew the same in small instalments. Further, according to prosecution, the accused/applicant also committed forgery of certain bill books.

5. The accused/applicant filed an application for grant of anticipatory bail before the learned Court of Sessions, where the IO took a stand that the accused/applicant was trying to scuttle the investigation; and that custodial interrogation was required in order to unearth the original bill books and other forged documents as well as to obtain voice samples of the accused/applicant. After detailed reasoning, the learned Court of Sessions



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dismissed the anticipatory bail application.

6. The present anticipatory bail application was listed for the first time on 28.03.2025 before a predecessor bench and thereafter it remained pending before different benches. Vide order dated 24.04.2025, the predecessor bench directed that no coercive action be taken against the accused/applicant, subject to his joining the investigation. That interim protection was finally withdrawn by the predecessor bench on 25.08.2025 for the reason that the accused/applicant had not been cooperating with the investigation despite interim protection.

7. The order dated 25.08.2025 of the predecessor bench was challenged by the accused/applicant before the Supreme Court by way of SLP (Crl.) No. 13322/2025, in which the accused/applicant was granted interim protection from arrest subject to certain conditions related to the cheated amount. The matter was adjourned before the Supreme Court on few dates, granting further opportunities but the accused/applicant did not comply with the conditions imposed by even the Supreme Court, so vide order dated 16.02.2026, the Supreme Court dismissed the SLP.

8. In this second call, the IO/SI Vivek has appeared with the concerned DCP Mr. Anant, who apprises the court that since after 16.02.2026, the accused/applicant did not join investigation, the IO has filed an application today itself before the learned trial court seeking non-bailable warrants against the accused/applicant.



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9. Learned APP for State strongly opposes this anticipatory bail application in view of the above described conduct of the accused/applicant and also for the reason that there being specific allegations of forgery, custodial interrogation is required in order to unearth the original bill books and other documents. It is submitted by learned APP that present is not a case of simply cheating. It is a case of forgery, which is an offence punishable under Section 467 IPC, punishable with life imprisonment.

10. Despite being repeatedly called upon, learned counsel for accused/applicant does not address any argument.

11. Considering the above circumstances, especially the conduct of the accused/applicant in not complying with orders of even the Supreme Court, coupled with the need expressed by the investigating officer to carry out custodial interrogation of the accused/applicant, I find no reason to grant anticipatory bail. Therefore, the anticipatory bail application is dismissed.

12. Accompanying application also stands disposed of.

**GIRISH KATHPALIA
(JUDGE)**

APRIL 28, 2026/dr