



2025:DHC:6808



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

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Date of decision: 7th August, 2025

+ W.P.(CRL) 2413/2025

MANOJ KUMAR

.....Petitioner

Through: Mr.Nikunj Jain, Advocate

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr.Yasir Rauf Ansari, ASC for the
State with Mr.Alok Sharma,
Advocate

CORAM:

HON'BLE MR. JUSTICE ARUN MONGA

ARUN MONGA, J. (Oral)

W.P.(CRL) 2413/2025 & CRL.M.A. 22608/2025 (interim relief)

1. The petition herein is to seek indulgence of this Court exercising inherent powers under Section 528 of Bhartiya Nagarik Suraksha Sanhita, 2023, for permitting the petitioner to furnish one consolidated surety in pending 21 criminal complaints, all under Sections 138 of the Negotiable Instruments Act, 1881, which are being tried in different competent Courts at Delhi.

2. The petitioner is stated to be a person who was incharge of day-to-day affairs and management of the accused-company on whose behalf the cheques were issued as he was at the relevant time either signatory to most of the cheques or otherwise the Executive Director/Promoter, on whose



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behalf the cheques were issued to the complainant. As part of the bail condition he has to furnish individual bail bonds in every complaint within the time span as specified by the learned Trial Court in various cases.

2.1 The learned counsel further submits that the petitioner has already been in custody for more about 4 years i.e. from 08.02.2019 to 13.02.2023.

3. It transpires that he is again faced with the dire consequences of being taken in custody, as he is unable to provide separate and new individual surety in each case, given the large number of cheque bouncing cases going on against him. Dishonour of multiple cheques is on account of the liability of the company of which he is/was a director. Thus, the instant petition.

4. In the aforesaid premise, I have heard the rival contentions and perused the case file.

5. Learned counsel for the petitioner submits that onerous bail condition of providing sureties has been put on the petitioner in as many as 21 different cases, which is impractical to be complied with. Reliance has been placed on the case of *Satender Kumar Antil vs. Central Bureau of Investigation & Anr.*¹ to argue that imposition of onerous conditions defeats the very purpose of the release.

5.1 The learned counsel further submits that the accused can be granted bail on personal bond if the Court is satisfied that he has deep roots in the society and will not abscond. Reliance is placed by him on *Hussainara Khatoon and Ors Vs Home Secretary State of Bihar Patna*². My attention has been drawn by him to an order dated 02.11.2020 passed by High Court

¹ (2022) 10 SCC 51.

² 1979 AIR SC 1360.



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of Punjab and Haryana (Annexure P-20), in somewhat similar circumstances, which too pertains to the petitioner herein.

5.2 Moreover, referring to Section 440(1) of the CrPC (Section 484 of BNSS,2023), the learned counsel also submits that amount of bond cannot be excessive and sub section 2 provides power to the High Court and Court of Sessions to reduce the bond. He also relies on Section 439(1)(b) CrPC [Section 483 of BNSS,2023], to argue that any bail condition imposed by the magistrate can be set aside or modified.

6. Learned APP for the State vehemently opposes the application stating that applicant is involved in a number of cases and deserves no indulgence from this Court. He further states that the applicant is a flight risk and can abscond if granted bail.

7. Having heard the rival contentions and after perusing the case file, I am of the view that the facts and circumstances of the present case also is similar to the one as adjudicated by High Court of Punjab and Haryana wherein order, passed by the Additional Sessions Judge, Faridabad, was modified to the extent that instead of 40 cases, the same would be applicable qua all the 55 cases, pending against the petitioner. I am in respectful agreement with the view taken therein and see no reason why similar benefit be not accorded herein as well.

8. Aside above, I have my own reasons too. The petitioner has already endured more than four years in custody, from 08.02.2019 to 13.02.2023, before being released on bail. Imposing conditions that are impossible to fulfil effectively nullifies the grant of bail and continues to deprive the petitioner of liberty in violation of basic principles of fairness and justice.



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9. In the peculiar case herein, to furnish separate and fresh sureties in 21 different cases, seems excessive, oppressive, and serves no purpose to the complainants. It creates a needless procedural burden without adding any genuine safeguard to secure the petitioner's attendance in court.

10. The petitioner is a permanent resident with a fixed address, well-established in the community, and has caused appearance pursuant to the summoning orders in the pending various court proceedings under section 138, *ibid*, over a prolonged period. His conduct does not reflect any credible risk of absconding. Forcing the petitioner to secure 21 separate sureties is manifestly disproportionate to the objective of ensuring attendance at trial.

11. All pending matters are summary trials under Section 138 of the Negotiable Instruments Act relating solely to cheque dishonour. These are not offences involving violence and/or public order, or national security. A single consolidated surety is more than adequate to protect the interests of justice.

12. Thus the grievance of the petitioner appears to be genuine, limited to the aspect that only one consolidated surety be ordered to be furnished by the petitioner, to be extended to all the 21 cases, which are pending against him.

13. In the premise, I am of the opinion that this court ought to exercise its inherent powers under section 528 of the BNSS so as to eliminate unnecessary and punitive procedural obstacle that would undermine and frustrate the very purpose of the bail itself.

14. Accordingly, the petition is disposed of with the direction that in all the pending 21 cases as enumerated in Annexure P-1, the petitioner shall be



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allowed to furnish a consolidated personal bond and a surety for an amount of Rs.7,00,000/- as a part of the bail condition during the pendency of trial, as per the table given below:-

S.No.	CASE NO	CASE TITLE	COURT	CHEQUE AMOUNT	SURETY AMT. (IN RS.)
PATIALA HOUSE COURT					
1	Ct Case No. 3488/2019	NC Goel vs Piyush Infrastructure & Others	Hala Quamar JMFC, PHC.	3,00,000/-	20,000/-
2	Ct Case No. 398/2019	NC Goel vs Piyush Infrastructure & Others	Hala Quamar JMFC, PHC.	1,00,000/-	20,000/-
KARKARDOOMA COURT					
3	Ct Case No. 4400/2018	Maya Goel vs Piyush Infrastructure & Others	Isha Rana, JMFC, SHAHDARA	3,00,000/-	Not Decided yet
4	Ct Case No. 2645/2018	Maya Goel vs Piyush Infrastructure & Others	Isha Rana, JMFC, SHAHDARA	3,00,000/-	Not Decided yet
5	Ct Case No. 6232/2018	Maya Goel vs Piyush Infrastructure & Others	Isha Rana, JMFC, SHAHDARA	2,00,000/-	Not Decided yet
6	Ct Case No. 1459/2019	Gurpreet Singh vs Piyush Colonisers India Pvt. Ltd. & Others	Isha Rana, JMFC, SHAHDARA	4,60,919/-	20,000/-
TIS HAZARI COURT					
7	Ct Case No. 6049/2018	Vipin Gupta vs Piyush Infrastructure & Others	Amit Rana, JMFC, Central THC	3,00,000/-	30,000/-
8	Ct Case No. 6050/2018	Monika Gupta vs Piyush Infrastructure & Others	Amit Rana, JMFC, Central THC	3,00,000/-	30,000/-
9	Ct Case No. 6051/2018	Anshul Gupta vs Piyush Infrastructure & Others	Amit Rana, JMFC, Central THC	3,00,000/-	30,000/-



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10	Ct Case No. 13190/2018	Kiran Bhayana vs Piyush Shelter	Deshna golechha, JMFC, Central THC	10,86,841/-	50,000/-
11	Ct Case No. 13664/2018	Brijesh Kr Gupta vs Piyush Infrastructure & Others	Surbhi Sethi, JMFC, West THC	2,43,620/-	20,000/-
12	Ct Case No. 2648/2017	Chander Pal Sharma vs Piyush Colonisers India Pvt. Ltd. & Others	Shubham Gupta, JMFC, West THC	10,00,000/-	50,000/-
13	Ct Case No. 2649/2017	Chander Pal Sharma vs Piyush Colonisers India Pvt. Ltd. & Others	Shubham Gupta, JMFC, West THC	25,00,000/-	50,000/-
14	Ct Case No. 13191/2018	Ranjana Sethi vs Piyush Shelter	Gaurav Ujjwal, JMFC, Central, THC	10,86,841/-	50,000/-
15	Ct Case No. 16542/2017	Ram Prasad Tiwari vs Manoj Kumar	Gaurav Ujjwal, JMFC, Central, THC	50,000/-	20,000/-
16	Ct Case No. 16543/2017	Ram Prasad Tiwari vs Manoj Kumar	Gaurav Ujjwal, JMFC, Central, THC	1,71,719/-	20,000/-
17	Ct Case No. 16544/2017	Ram Prasad Tiwari vs Manoj Kumar	Gaurav Ujjwal, JMFC, Central, THC	2,50,000/-	20,000/-
SAKET COURT					
18	Ct Case No. 38/2018	Usha Rani vs Piyush Colonisers India Pvt. Ltd. & Others	Anshul Agnihotri, JMFC, South East, Saket	1,90,892/-	10,000/- Surety filed
19	Ct Case No. 39/2018	Laxmi Chand vs Piyush Colonisers India Pvt. Ltd. & Others	Anshul Agnihotri, JMFC, South East, Saket	1,90,892/-	10,000/- Surety filed



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20	Ct Case No. 2504/201 8	Seema khan vs Piyush Colonisers India Pvt. Ltd. & Others	Anshul Agnihotri, JMFC, South East, Saket	61,28,000/-	2,00,000/-
21	Ct Case No. 8908/201 7	Ramendra Kumar Shukla vs Piyush Infrastructure & Others	Anshul Agnihotri, JMFC, South East, Saket	3,09,270/-	30,000/-
TOTAL				1,46,82,153/-	6,80,000/-

15. The requisite consolidated bail bond of Rs.7,00,000/- and surety bond of equivalent amount be furnished within a period of 4 weeks from today, in the court of the learned CMM, Patiala House Court, New Delhi and same shall be furnished subject to the satisfaction CMM. Once the said bail bond and surety is accepted, the same shall be sent to each of the individual Trial Courts where the cases are pending and shall treated as a bail bond/surety for grant of bail in the respective complaint cases, as per list supra, which are being tried against the petitioner.

16. Pending application also stands disposed of.

ARUN MONGA, J

AUGUST 7, 2025

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