



* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
 % ***Reserved on: 21st July, 2025***
Pronounced on: 23rd July, 2025
 + **BAIL APPLN. 2110/2025**

AMIT PANDEY
 S/o Sh. O.P. Pandey
 R/o Flat No. 110, Milansar Apartment
 Paschim Vihar, New Delhi

.....Petitioner

Through: Mr. Sunil Kumar and Mr. Mayank
 Pandey, Advocates.

versus

STATE NCT OF DELHI.
 Through SHO Police Station
 Special Cell, Lodhi Road
 Meharchand Market, Lodhi
 Colony, New Delhi, Delhi
 110003

.....Respondent

Through: Mr. Utkarsh, APP for the State with
 Insp. Sunil, IFSO Special Cell and
 SI Dhananjay Dubey, South-East
 District.
 Mr. Kuldeep Nain, Advocate for
 Complainant.

CORAM:
HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T

NEENA BANSAL KRISHNA, J.

1. First Bail Application under Section 439 of the Code of Criminal Procedure, 1973 (*hereinafter referred to as "CrPC"*)/Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (*hereinafter referred to as*



“BNSS”) has been filed on behalf of the Applicant Amit Pandey seeking Regular Bail in FIR No. 184/2024 dated 01.05.2024 under Section 419/420/468/471/120B of the Indian Penal Code, 1860 (*hereinafter referred to as “IPC”*) registered at PS Special Cell.

2. It is submitted that the Applicant is a peace loving and law-abiding citizen and a false FIR No. 184/2024 dated 01.05.2024 was lodged at the PS Special Cell. The Applicant is in custody since 06.08.2024.

3. The case of the Prosecution is that in the year 2021, the Complainant Datar Singh met one Yogendra through a known person. Yogendra introduced the Complainant to one Amrendra Kumar. Amrendra Kumar and Applicant met the Complainant who allegedly paid Rs. 35,00,000/- to them for securing a CNG Pump in the name of Complainant. Thereafter, they kept on demanding money and ultimately a total sum of Rs. 1,79,80,500/- was paid by Complainant by way of online transfers, cheque etc. and Rs. 60,00,000/- was paid by way of cash in lieu of which the accused persons sent him certain documents purportedly on behalf of Indraprastha Gas Limited (IGL), which were found to be forged.

4. It is submitted that as per the case of the Prosecution, the Applicant has cheated the Complainant for a sum of Rs. 35,00,000/-, allegedly in the name of securing a CNG Pump in the name of the Complainant, Datar Singh, but not even a single penny has been transferred to the account of the Applicant. The Police has not been able to verify the source of the cash amount of Rs. 60,00,000/- nor is there any statement to the effect that the Complainant had such cash readily available. The story of the prosecution is false and fabricated.



5. Furthermore, there is an unexplained delay in the registration of FIR, as the alleged payment was made in the June, 2021 but the FIR was lodged only on 01.05.2024.

6. It is asserted that the Applicant was known to the Complainant and he had entered into Loan Agreement of Rs. 5,00,000/- with the Complainant and he also used to help him in other works and the present FIR is false and fabricated.

7. The Bail is sought on the **grounds** that during the investigation proper procedure has not been followed as envisaged under Cr.PC. The Prosecution is relying on the WhatsApp chats, which are inadmissible in evidence.

8. The Applicant is not likely to tamper the evidence which is largely documentary which has already been collected and forms the part of the Chargesheet. Nothing has been recovered from the possession or at the instance of the Applicant and he has clean antecedents and has no criminal history. It is submitted that the investigation pertaining to the Applicant is over and the Chargesheet has been filed. In P. Chidambaram v. Directorate of Enforcement, (2020) 13 SCC 791, it was observed by the Apex Court that as the chargesheet has been filed which means that everything is documented and is in the custody of the Investigation Agency and hence, the Petitioner will not be able to influence the witnesses and temper evidence. Reliance has also been placed on Sangitaben Shaileshbai Datanata v. State of Gujarat, (2019) 14 SCC 522. In Sanjay Chandra v. C.B.I. (2012) 1 SCC 40 as well, the Apex Court has observed that after filing of chargesheet, the Accused deserves to be released on Bail.



9. The offences are triable by the Ld. Magistrate and there is no likelihood of trial getting over in the near future, as there are 43 Prosecution witnesses.

10. Reliance has been placed on the judgement in Anwar Ali v. State of Chhattisgarh (2008) 16 SCC 501 and Manish Sisodiya v. Enforcement Directorate, 2024 SCC Online 1920, wherein the Apex Court has emphasized that Bail cannot be withheld as a punitive measure and that custody is unwarranted when further interrogation is unnecessary.

11. Reliance has also been placed on Narendra Singh and Anr. v. State of M.P. (2004) 10 SCC 699 and S. Ganesan v. Rama Raghuraman (2011) 2 SCC 83 wherein the Apex Court has observed that presumption of innocence is a human right.

12. Time and again the Apex Court has held that procedure which keeps large number of people behind the bars without trial for long, cannot be regarded as “reasonable, just, fair” so as to be in conformity with the under-trial prisoners being detained in custody for an indefinite period is gross violation of Article 21 of the Constitution of India.

13. It is submitted that the Bail ought not to be denied only on the perceived apprehension by the Court that the Applicant, if restored to liberty would tamper with the evidence. There must be some prima facie evidence on record or reasonable and justifiable grounds to believe that in case the benefit of bail is extended to an accused, he is going to misuse his liberty, or he would create conditions which are no conducive to hold a fair trial.



14. The Applicant has a fixed place of lodging and boarding at the mentioned address. The Applicant is not likely to commit any offence or tamper with the evidence if he is enlarged on bail or abuse discretion shown by this Court and shall not commit breach of any of the terms and condition which may be imposed by this Court.

15. The parity is also claimed as the Co-accused Amar Singh Pippal was granted Regular Bail by this Court vide Order dated 08.05.2025. The other co-accused Deepak Singh Bora has also been granted Regular Bail by the Ld. ASJ vide Order dated 21.05.2025.

16. The Applicant filed the Bail Application before the CJM, Patiala House Court, which was dismissed vide Order dated 05.09.2024 on the grounds that the investigation is at a nascent stage and the co-accused is yet to join the investigation.

17. Another Bail Application filed by the Application before the Ld. Sessions Judge, was dismissed vide Order dated 03.10.2024. However, now the investigations are complete and Chargesheet has already been filed. Moreover, the co-accused have been granted Bail.

18. *It is accordingly prayed that the Applicant be granted Regular Bail.*

19. ***Status Report has been filed on behalf of the Respondent/State,*** wherein it is submitted that the present FIR has been registered on the Complaint of Sh. Datar Singh, who has stated in his Complaint that in the year 2021, he met with one Amrendra Kumar through one of his known namely Yogendra. The alleged persons namely Amrendra and the Applicant, Amit Pandey approached the Complainant and represented themselves as the coordinators and agents of the Indraprastha Gas Limited and lured the



Complainant by promising to get a CNG Pump installed in his name, with minimum formalities. Amit Kumar Pandey sent soft copies of documents i.e, Registration Certificate, Bank Account detail, Invoice with GST Number on WhatsApp number of the Complainant on his mobile number.

20. Accused Amrendra asked the Complainant to pay a sum of Rs. 10,75,000/- on the pretext of getting the initial formalities done, but instead of taking the amount directly he forced the Complainant to execute a Loan Agreement with him. The Complainant then paid Rs. 9,75,000/- by way of cheques and Rs. 1,00,000/- in cash. The Applicant took an amount of Rs. 5,00,000/- on similar pretext of Loan Agreement and the amount was paid by cheque. The Applicant sent his brother-in-law, Deepak Singh Bora to conduct the site inspection of the land shown by the Complainant for installation of CNG Pump. The Accused Deepak Singh Bora along with one Reena Srivasatava representing themselves as officials of IGL, conducted site visit and took a sum of Rs. 1.25 lac for getting a Clearance Certificate from the Department.

21. The Complainant has mentioned that the accused persons by posing themselves as officials of IGL, have cheated him for a sum of Rs. 2.39 Crore (Approx) i.e., Rs. 1,79,80,500/- (through Cheque, online transfers etc.) &Rs. 60 lacs in cash in name of providing him a CNG Pump. The accused persons have also provided fake Certificate of Registration and other documents through WhatsApp on the mobile no of the complainant.

22. After tracking the Accused Persons, Notices under Section 41A CrPC was served upon them for joining investigation. The Accused persons were examined but they did not cooperate and remained evasive to the questions



asked to them. The Accused Persons were thereafter, arrested to prevent them from committing any further offence and for proper investigation.

23. During investigation, the Applicant had disclosed that he had met to the Applicant namely Amar Singh Pippal through one of his known namely Kamal Pandey. Amar Singh earlier worked in Ministry of Petroleum at Shastri Bhawan, but later he got transferred into some other Ministry. Voice recordings between the Accused Amar Singh Pippal and Applicant were also found in his mobile phone.

24. The present Bail Application has been opposed on the **grounds** that the investigation is at the initial stage. The Accused persons hatched a full proof conspiracy and cheated the Complainant for a sum of Rs. 2.39 Crores in the name of getting him a license for a CNG Pump and the Applicant played an active role. The Applicant does not have any permanent residence in Delhi and may threaten the witness and the Complainant and tamper with the evidence. *Accordingly, it is prayed that the present Bail Application be dismissed.*

25. The **Ld. Counsel for the Complainant, Sh. Datar Singh has appeared on advance notice** and submitted on the similar lines as the State. It is submitted that the Applicant has cheated the Complainant in the name of providing license for a CNG Pump. There are continuous chats between the Applicant and the Complainant to provide various NOCs and other documents as a part of formality. *There is sufficient evidence against the Applicant and accordingly, it is prayed that the present Bail Application be dismissed.*

Submissions heard and Record Perused.



26. The allegations against the Applicant are that as a part of conspiracy, the Applicant has allegedly defrauded the Complainant and took money from him on the pretext of getting him a CNG Pump installed. As a part of conspiracy the accused persons, including the Applicant has deceived the Complainant by representing themselves as coordinators and agents of the Indraprastha Gas Limited and that they work in different Departments. It is alleged that the Applicant had taken money in the form of loan amount and the amount was paid by cheque.

27. As per the Applicant, he hasn't received any alleged money from the Complainant as a part of the alleged conspiracy of duping him in the name of CNG Pump.

28. The Applicant got arrested on 06.08.2024 and is in Judicial Custody for about almost 12 months and the Chargesheet stands filed. Charges have not been framed and that there are 24 witnesses, which are yet to be examined. Trial is likely to take some time. No fruitful purpose would be served by keeping the Applicant in the custody. Moreover, the two co-accused have already been granted Bail.

29. Considering the totality of circumstances the Applicant is granted Regular Bail, on the following terms and conditions:

- a) The Applicant/Accused shall furnish a personal bond of Rs 35,000/- each and one surety of the like amount each, subject to the satisfaction of the learned Trial Court.
- b) The Applicant/Accused shall appear before the Court as and when the matter is taken up for hearing;



- c) The Applicant/Accused shall provide their mobile number/changed mobile number to the IO concerned which shall be kept in working condition at all times;
- d) The Applicant/Accused shall not indulge in any criminal activity and shall not communicate or intimidate the witnesses.
- e) In case the Applicant/Accused change their residential addresses, the same shall be intimated to learned Trial Court and to the concerned I.O.

30. The Bail Application along with pending Application(s) is disposed of accordingly. The Copy of this Order be communicated to the Ld. Trial Court as well as Jail Superintendent, for information and compliance.

(NEENA BANSAL KRISHNA)
JUDGE

JULY 23, 2025/R