



2025:DHC:8720



* IN THE HIGH COURT OF DELHI AT NEW DELHI

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*Reserved on: 24th September, 2025
Pronounced on: 26th September, 2025*

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BAIL APPLN. 1212/2025

RANDEEP SINGH

S/o Shamsher Singh
R/o 8398, Sector -C, PKT,8
Vasant Kunj, Southwest Delhi
110070

....Petitioner

Through: Mr. Amit Chadha, Senior Advocate
along with Mr.Amardeep Singh, Mr.
Rohit Singh, Mr. Atin Chadha, Ms.
Munisha Chadha, Mr. Harjas Singh
Chhatwal, Mr. Dhruv Tomar, Mr.
Eeshaan Singh, Mr. Rahul Vats,
Advocates.

versus

STATE OF NCT OF DELHI

Through SHO PS Dwarka North

.....Respondent

Through: Mr. Utkarsh, APP for the State
Mr. J.P Singh, Mr. Shivendu
Chauhan, Mr. Md. Rahman, Mr.
Navjot Singh Sodhi, Adv. for
Complainant.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T

1. First **Regular** Bail Application under Section 439 of the Code of Criminal Procedure, 1973 (*hereinafter referred to as "Cr.P.C."*) read with Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (*hereinafter referred to as "BNSS"*) has been filed on behalf of the **Applicant, Randeep Singh**, in FIR No. 252/2023 dated 30.03.2023, under Sections 420/406/34 of



2025:DHC:8720



the Indian Penal Code, 1860 (*hereinafter referred to as "IPC"*), registered at PS Dwarka North.

2. ***The case of the Prosecution*** is that a Complaint dated 03.09.2022 was received from Sh. Kaushik Kumar and six others, wherein it was alleged that the Applicant, Randeep Singh, induced the Complainant to pay and deliver a huge sum of Rs. 3,21,32,978/- on false representation and thereby, cheated him. The inducement was allegedly made on the basis of forged and fabricated documents. The said amount was allegedly received by the Applicant on the pretext of providing a higher rate of return of 20–25% as short-term loans with promised interest. The amount was transferred through multiple transactions by cheques from SBI Account No. 30489779176 during the period 07.05.2022 to 27.05.2022, as well as through NEFT transactions from ICICI Bank.

3. It is further alleged that the Applicant forged and fabricated a Bank Demand Draft of Rs. 2,20,00,000/- drawn on Axis Bank, to dupe the Complainant. The Complaint was marked to PS Dwarka North for investigation.

4. In the meantime, the Complainant also filed an Application under Section 156(3) Cr.P.C. The Ld. MM directed the Police to register a case *vide* Order dated 23.03.2023. Accordingly, *FIR No. 252/2023 dated 30.03.2023* under Sections 420/406/34 IPC, was registered.

5. Investigations were carried out and the Complainant and one witness joined the investigation and statements under Section 161 Cr.P.C. were recorded. Efforts were made to contact the Applicant, but he could not be traced. Despite issuance of two Notices, the Applicant failed to join the investigation. Consequently, NBWs were issued and proceedings under



2025:DHC:8720



Section 82 Cr.P.C. were initiated.

6. In the meantime, the Applicant was arrested on 04.11.2024. The electronic copy of the forged DD was allegedly recovered from his mobile phone along with its source, Pankaj who was found to have expired.

7. From the investigation, it was revealed that the Applicant had committed cheating to the tune of approximately Rs. 4 Crore, with 6–7 witnesses supporting the Complaint. It was also discovered that about 67 cases under Section 138 of the Negotiable Instruments Act, 1881 (*hereinafter referred to as “N.I. Act”*) are registered against the Applicant in Delhi, Haryana, Chandigarh, etc. The Applicant had earlier been arrested in a case of cheating and fraud in Himachal Pradesh.

8. After completion of investigation, a Chargesheet was filed against the Applicant under Sections 406/420/468/471/34 IPC.

9. Earlier Bail Applications filed by the Applicant were dismissed by the Ld. JMFC *vide* Order dated 21.12.2024 and by the Ld. ASJ *vide* Order dated 28.01.2025.

10. The *Bail is sought* on the **grounds** that the Applicant is not the maker of the alleged forged document. It is submitted that the Status Report filed by the State before the Trial Court, itself records that the maker of the DD has died, and that the allegations are directed towards certain Bank officials and not against the Applicant. Reliance is placed on *Sheila Sebastian v. R. Jawaharaj*, (2018) 7 SCC 581, wherein the Apex Court held that a charge of forgery cannot be imposed upon a person who is not the maker of the document.

11. It is further submitted that the Order under Section 156(3) Cr.P.C. was obtained by misleading the Ld. MM by alleging that when the Complainant



demanded repayment of the loan amount, the Applicant cheated him by handing over a forged and fabricated Bank Demand Draft dated 29.08.2022 for Rs. 2,20,00,000/-. It was further alleged that when the said DD was presented for encashment, Bank Officials informed that it was forged. However, in cross-examination in the proceedings under Section 138 N.I. Act, the Complainant admitted that he never possessed the physical copy of the said DD and had only had been given a soft copy. This clearly shows that the Complainant never presented any DD for encashment, as he never possessed the DD in the physical form.

12. It is also submitted that the Applicant was illegally arrested from outside the Saket District Court after he had attended a hearing in the NI Act case filed by the Complainant.

13. It is further asserted that *no grounds of arrest* were explained to the Applicant at the time of arrest. Reliance is placed on *Vihaan Kumar v. State of Haryana* in SLP (Crl.) No. 13320/2024, wherein the Apex Court observed that the information of arrest is distinct from the grounds of arrest which must be separately communicated.

14. It is further submitted that there has been *unexplained delay and procedural lapses* on the part of the investigating agency. Although the FIR was registered on 30.03.2023, no substantial steps were taken by the Police. No Notice under Section 41A Cr.P.C. or under Section 35(b) BNSS was ever issued for securing the Applicant's presence at PS Dwarka North.

15. It is further submitted that no significant money trail has been discovered even after an extended period of investigation, which demonstrates the lack of merit in the allegations against the Applicant.

16. It is further submitted that the investigations are complete and the



Chargesheet has already been filed before the Ld. Trial Court. The further custody of the Applicant is therefore not required. Reliance is placed on *Md. Asfak Alam v. State of Jharkhand & Anr.*, 2023 INSC 660, wherein the Apex Court observed that once investigation is complete, denial of bail amounts to pre-trial punishment, which is contrary to the settled principles of criminal jurisprudence.

17. Furthermore, the Applicant is a permanent resident of Delhi, having a fixed place of abode, family responsibilities, and no history of absconding. Thus, there is no likelihood of him fleeing from the due process of law. The Passport of the Applicant has already been submitted to the IO in FIR No. 78/2022 under Sections 420/206/34 IPC, PS Kangra. All material evidence is documentary and already in the possession of the investigating agency. There is, therefore, no possibility of the Applicant tampering with evidence.

18. It is also submitted that the Applicant has already been granted bail in all matters pending against him under Section 138 N.I. Act and also in FIR No. 78/2022 under Sections 420/206/34 IPC, PS Kangra.

19. *Accordingly, it is prayed that the Applicant be enlarged on bail.*

20. ***Status Report has been filed on behalf of the Respondent/State,*** wherein the facts leading to the present FIR have been detailed. It is submitted that though the Chargesheet has been filed, Charges are yet to be framed.

21. The present Bail Application has been ***opposed*** by the State on the ground that the Applicant's previous Bail Applications have already been dismissed by the Ld. JMFC and the Ld. ASJ *vide* Orders dated 21.12.2024 and 28.01.2025 respectively.

22. It is further submitted that FIR No. 78/2022 under Sections 420/34



IPC, PS Kangra, which is of a similar nature, is pending against the Applicant. The Applicant is alleged to be a habitual and desperate offender involved in cheating and fraud. It is also submitted that there are approximately 67 cases under Section 138 N.I. Act against him in Delhi, Haryana, Chandigarh, etc. If the Applicant is enlarged on bail, he may repeat similar offences, threaten witnesses, and abscond. The gravity and heinous nature of the offence should also be considered.

23. *Accordingly, it is prayed that the present Bail Application be dismissed.*

24. *The Ld. Counsel for the Complainant* has advanced arguments on similar lines as those raised in the Complaint, and *has prayed for dismissal of the present Bail Application.*

25. It is argued on behalf of the Applicant that this amount of Rs.3.21 crores included as loan of Rs.1.25 crores that was taken by the Applicant from May, 2021 till May, 2022. The Applicant, in discharge of his liability, issued two cheques, one in the sum of Rs.3.21 crores and the other for Rs.1.25 crores on 20.10.2023, which got dishonoured, against which the Complainant has filed a Complaint under Section 138 NI Act. Thereafter, the present FIR was registered by the Complainant.

26. The learned Counsel for the Applicant, however, has explained that he had created a Trust in the year 2021. One Mange Lal had informed him that there would be a donation of Rs.2.21 crores made in the Trust and in corroboration had forwarded him a copy of bank draft of the said amount on his phone. He, believing it to be a genuine document, had forwarded it to the Complainant and assured him that he is likely to receive Rs.2.21 crores in his Trust and thereafter, he would be able to return the money. However,



2025:DHC:8720



this Demand Draft of Rs.2.21 crores, which was given by Mange Lal to the Applicant was subsequently found to be forged. It is thus, the claim of the Complainant that he was cheated of his money by the Applicant and there were forged drafts prepared by him to induce him to cough up money. This forged Demand Draft alongwith other documents has already been recovered from the phone of the Applicant.

27. It is further submitted that it is only a photocopy in his mobile phone and it was allegedly forged by the co-accused Pankaj and that he genuinely had no role to play in the alleged forged Demand Draft. Moreover, there is no original of this Demand Draft which is available, on the basis of which it can be ascertained that there was a forgery committed or that the Applicant has intended to use a fake Demand Draft was with an intent to cheat.

28. Learned Counsel for the Applicant has further submitted that, while the alleged Bank Draft on which much emphasis has been placed by the Complainant, is of 29.08.2022. Therefore, the claim of the Complainant that the Applicant had intent to cheat since the beginning, is not correct.

29. Learned Counsel on behalf of the Applicant has further explained that he came under financial difficulty and is facing multiple litigations. It is submitted that he never absconded and was always available at his house in Vasant Kunj, despite which the Complainant got NBWs issued against him. He did not abscond and was attending all the Court hearings. After he came out of the Court complex after attending a Court case which had been filed by the Complainant, he was been arrested on 04.11.2024. The Applicant had never intended to abscond.

30. Furthermore, the FIR has been registered only on the directions of the learned MM in an Application under Section 156(3) Cr.P.C. The Applicant



is in judicial custody since the last one year and the Chargesheet already stands filed. His incarceration is no longer required. He undertakes to abide by all the terms and conditions of the Bail.

31. *The learned Counsel on behalf of the Complainant* has contended that *mala fide* of the Applicant is evident from the fact that he has been absconding and failed to join the investigation. NBWs were issued against him and he was eventually arrested by the Police. Moreover, he has sold his Vasant Kunj house to two people in respect of which civil litigation is pending. The conduct and the multiple cases against the Applicant clearly indicate that he is likely to abscond and to cheat other people in case he is released on Bail. The Bail Application is, accordingly opposed.

Submissions heard and record perused.

32. Essentially the allegations made in the Complaint are that the Applicant who was the childhood friend of Complainant, had taken a loan of Rs.3,21,32,978/- from the Complainant on an assurance of return of 20% to 25%. As has been pointed out by the learned Counsel for the Applicant, the Complainant has admitted in his cross-examination that he has already received about Rs.34 lacs from the Applicant. The allegations in the present case are essentially that the money which has been given by the Complainant to the Accused, has not been returned. Admittedly, one cheque was issued for Rs.3.21 crores for the amount allegedly given by the Complainant in addition to it, second Cheque of Rs.1.21 crore, in respect of which the Complaints under Section 138 NI Act are pending.

33. In the present case, the Applicant was arrested on 04.11.2024 and the Chargesheet has already been filed before the Ld. Trial Court. The investigation in the present FIR is complete, further custody of the Applicant



is not required.

34. Once the investigation is complete and the Chargesheet has been filed and the Applicant is not required for further custodial interrogation. There is no ground for further detention of the Applicant in judicial custody.

35. Pertinently, at the stage of consideration of bail, this Court cannot conduct a mini-trial or enter into a detailed examination of the evidence as held in the case of *Lt. Col. Prasad Shrikant Purohit v. State of Maharashtra*, (2018) 11 SCC 458, wherein it was held as under:

“29. The law in regard to grant or refusal of bail is very well settled. The court granting bail should exercise its discretion in a judicious manner and not as a matter of course. Though at the stage of granting bail a detailed examination of evidence and elaborate documentation of the merit of the case need not be undertaken, there is a need to indicate in such orders reasons for prima facie concluding why bail was being granted particularly where the accused is charged of having committed a serious offence. Any order devoid of such reasons would suffer from non-application of mind. It is also necessary for the court granting bail to consider, among other circumstances, the following factors also before granting bail; they are:

- (a) The nature of accusation and the severity of punishment in case of conviction and the nature of supporting evidence.*
- (b) Reasonable apprehension of tampering with the witness or apprehension of threat to the complainant.*
- (c) Prima facie satisfaction of the court in support of the charge.”*

36. Similarly, in *Sanjay Chandra v. CBI*, (2012) 1 SCC 40, the Apex Court has held as under;

“46. We are conscious of the fact that the accused are charged with economic offences of huge magnitude. We are also conscious of the fact that the offences alleged, if proved, may jeopardise the economy of the country. At the same time, we cannot lose sight of the fact that the investigating agency has



already completed investigation and the charge-sheet is already filed before the Special Judge, CBI, New Delhi. Therefore, their presence in the custody may not be necessary for further investigation. We are of the view that the appellants are entitled to the grant of bail pending trial on stringent conditions in order to allay the apprehension expressed by CBI.”

37. **The next aspect is the** delay in conducting the trial. In this regard, reference may be made to the case of State of Kerala v. Raneef, (2011) 1 SCC 784, wherein the Apex Court observed that although delay in concluding the trial is not the sole factor, it is nevertheless one of the relevant considerations while deciding an Application for Bail.

38. The State as well as the Ld. Counsel for the Complainant have heavily relied upon the *criminal antecedents* of the Accused to demonstrate his past conduct. It is contended that there are about 06 Criminal Complaints under Section 138 NI Act and 04 FIRs against him. However, the criminal antecedents alone may not constitute a ground to deny bail, particularly when other factors such as the period of incarceration and the stage of trial, weigh in favour of the Accused.

39. In Ayub Khan v. State of Rajasthan, 2024 SCC OnLine SC 3763, the Apex Court has observed that *in a given case, if the accused makes out a strong prima facie case, depending upon the fact situation and period of incarceration, the presence of antecedents may not be a ground to deny bail. There may be a case where a Court can grant bail only on the grounds of long incarceration. The presence of antecedents may not be relevant in such a case.*

40. The Prosecution has next contended that considering the nature of cheating and fraud, the **Applicant is a flight risk** and there is an apprehension of his fleeing from justice. Pertinently, the Applicant was



2025:DHC:8720



granted *Interim Bail* by this Court for the period from 18.06.2025 to 08.07.2025, after which he duly surrendered before the Jail Authorities upon expiry of the said period.

41. Considering the totality of the circumstances as narrated above, the Applicant is admitted to Regular Bail upon his furnishing a personal bond in the sum of Rs.1,00,000/- and one Surety of the like amount to the satisfaction of the learned Trial Court, subject to the following conditions: -

- a) Petitioner shall not leave Delhi/NCR without prior permission of the Court;
- b) Petitioner shall appear before the Court as and when the matter is taken up for hearing;
- c) Petitioner shall provide his mobile number to the IO concerned, which shall be kept in working condition at all times and in case he changes the mobile number, he would intimate the Investigating Officer concerned;
- d) Petitioner shall inform the IO and the Jail Superintendent of the address where he shall be available in Delhi; and
- e) Petitioner shall not try to contact, threaten or influence any of the witnesses of this case.

42. A copy of this Order be communicated to the learned Trial Court and as well as to the concerned Jail Superintendent.

43. Accordingly, the present Bail Application and pending Application are disposed of.

(NEENA BANSAL KRISHNA)
JUDGE

SEPTEMBER 26, 2025/RS