



2025:DHC:6148



* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
% *Reserved on: 24th July, 2025*
Pronounced on: 28th July, 2025

+ **BAIL APPLN. 173/2025**

DEEPAK KUMAR GUPTA

S/o- Shri Sunil Kumar Gupta,

R/o- 2035, Gali Mahadev, Teliwara,

Bahadurgarh Road, Delhi-110006.

.....Petitioner

Through: Mr. Anirudh Tanwar, Advocate.

versus

STATE (NCT OF DELHI)

Through SHO,

P.S.: Rani Bagh.

.....Respondent

Through: Mr. Utkarsh, APP for the State with
SI Pardeep P.S.: Rani Bagh.

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 483 of BNSS has been filed on behalf of the Applicant/Deepak Kumar Gupta seeking Bail in Criminal Case No.8953/2022, pending before learned ACJM, Rohini Courts, New Delhi, in FIR No.0654/2022 under Sections 420/467/468/471/120B IPC registered at PS Rani Bagh.

2. It is submitted that the Applicant is in judicial custody since 19.05.2022. He is an innocent person and has been falsely implicated in the present case. There is not an iota of evidence regarding the aforesaid Sections of IPC and no case is made out against him.

3. The case of Prosecution is that the Complainant/Sh. Gaurav Bhardwaj, who is Sub-Inspector in Delhi Police, was serving in Rani Bagh



Police Station from December 2016 till July 2021. During his service, he used to reside at 3rd Floor, Barak No. 8 of Rani Bagh Police Station.

4. In July 2018, he rented out his flat No. 3733-A/2, Gali No. 2, Kanhaiya Nagar, New Delhi to the Applicant/ Deepak Kumar Gupta, his wife Bhawana Gupta and his father Sunil Kumar Gupta. In the month of November 2018, the Applicant came to pay the rent at Rani Bagh Police Station and informed the Complainant that he is running *a shop and parking* at Race Course. Other than this, he is also doing business of readymade garments. Further, he is also having a shop at Kamla Nagar Market, Delhi.

5. As per the case of Prosecution, the Applicant had requested for a friendly loan of Rs.3,00,000/- from the Complainant for business purpose and the Applicant promised to return the said amount within 10-15 days. Due to cordial relations with the Applicant, the Complainant transferred Rs.1,00,000/- each on 12.11.2018, 12.12.2018 and 13.12.2018 respectively. The Complainant has alleged that the Applicant, his wife and his father, often came to meet him at the Police Station on one pretext or the other and used to say that *“you live here alone and your family is in Hisar, Haryana, we are your family”* and they often brought home made food.

6. After some time, the wife of the Applicant started calling the Complainant as her “Brother” and his father started calling him as his “Son”. Because of this relationship, the Applicant, his wife and his father also went to the house of the Complainant in Hisar, Haryana in the month of February, 2019 and met his family members and in-laws. There the Applicant said that they have come to Hisar for expansion of his clothing business and for paying obeisance at Salasar Dham. The Complainant further asserted that they assured that since the Applicant and his family members were the



tenants of the Complainant, the money was safe and that he need not to worry at all.

7. The Complainant alleged that the Applicant and his family members won the trust of the Complainant and therefore, in the year 2019, the Complainant paid Rs.4,50,000/- by way of bank transactions to the Applicant on various dates. The Applicant and his wife told the father-in-law of the Complainant that he runs a Hotel and shop on rent in Race Course and earns good income from there.

8. The Applicant took the father-in-law of the Complainant for lunch and in a planned manner showed an Agreement dated 16.11.2018 and gave a copy of the same to father-in-law and told him that if he was interested in business, then he would invest his money in his hotel or shop. He also said that since the father-in-law was a retired person and his son was unemployed, this would be a golden opportunity for him. On his insistence, father-in-law came to see the *dhaba* and shop at Race Course Road, Delhi. The Applicant made him meet other persons namely Deshraj Gupta (Co-accused) and Jitender. They all give a rosy picture to the father-in-law, who agreed to invest money in the business of the Applicant and others.

9. In the beginning of November, 2019, Rs.5,00,000/- were given in cash by the father-in-law of the Complainant to the accused persons, who assured that they would soon complete the paperwork and also gave Rent Agreement dated 19.11.2019 between Delhi Race Course Club owner Deshraj Gupta and Ram Chander Gupta. They took the signatures of the father-in-law on original and provided him a copy. They told him that they had given paper of 50% share of Rs.5,00,000/- and further told him that



soon the shop would be sub-let and income so generated would be divided equally.

10. The Applicant thus, from time to time on pretext or the other, was extracting money from the father-in-law of the Complainant. In total, a sum of Rs.25,25,000/- was given to the Applicant, which he siphoned off and thereafter, switched off his mobile phone. Thus, the Complainant lodged a Complaint, on which the FIR No. 654/2022 under Sections 420/467/468/471/120B IPC was registered at PS Rani Bagh.

11. It was found that the Applicant is a person of criminal nature and two more cases bearing FIR No. 50/2016 under Section 420/34 IPC, at PS Sadar Bazar and FIR No. 153/2016 under Sections 420/467/468/471/34 IPC, at PS Bara Hindu Rao were already registered against him, wherein he had cheated the people in the same manner.

12. After investigations, the Chargesheet was filed under Sections 420/467/468/471/120B IPC and Cognizance was taken by the learned ACMM, but the *charges are yet to be framed*. There are 36 prosecution witnesses to be examined.

13. Bail Application under Section 439 Cr.P.C filed before the learned Trial Court was dismissed *vide* Order dated 12.01.2023. Thereafter, he preferred a regular bail Application before the learned ASJ, which was dismissed *vide* Order dated 31.05.2023 with liberty to file the Application afresh when the Applicant's counsel was willing to argue the Bail Application without seeking adjournment. The third Bail Application was filed before the learned ASJ, which has also been dismissed *vide* Order dated 03.09.2024.

14. It is submitted that the Applicant has been maintaining good conduct



inside the Jail and no punishment has ever been awarded to him. He has the responsibility of aged parents, wife and two minor children aged 03 years and 05 years respectively as well as his elder brother, who is suffering from Cancer and is bed-ridden.

15. He is the sole bread-earner of his family. The Chargesheet has already been filed and his custody is no longer required for the purpose of investigation. No fruitful purpose would be served by keeping him behind the bars. The trial is likely to take long, since the charges have not been framed yet. The Complainant is the Sub-Inspector in Delhi Police and there is no chance of influencing or threatening the Complainant or the other witnesses.

16. It is claimed that material facts have been suppressed as the Applicant has neither demanded any amount from the Complainant nor had he approached his father-in-law for any partnership in any shop at Delhi Race Club. The Complainant/Gaurav Bhardwaj and Jitender Dhingra @ Golu (co-accused) were known to each other.

17. In fact, Jitender Dhingra @ Golu is a Bookie and used to do Cricket Betting and the Complainant used to take a certain percentage of money every month from him. The Applicant had been appointed by the Complainant to collect the money in cash as well as in his account from Jitender Dhingra. Since the Applicant was tenant of the Complainant and was unemployed at that time and the Complainant had assured that he would pay 10% to him on every transaction, which would be collected from Jitender Dhingra. Furthermore, it is the Complainant, who had directed the Applicant to lend his money on interest in market to small vendors and collect interest regularly.



18. It has further been suppressed by the Complaint that the Applicant was continuously sending money in the account of his wife and father-in-law. Bank transactions of the Applicant show that between April, 2021 and September, 2021, he had transferred Rs.1,05,000/- in the account of Complainant's wife. Likewise, between January, 2021 and August, 2021, he had transferred Rs.90,000/- in the account of Complainant's father-in-law and he had also transferred Rs.1,00,000/- in the account of the Complainant on 30.03.2020 on his instructions. The entire story has been concocted by the Complainant and is false.

19. It is also submitted that co-accused Lalit Kishore and Jitender Dhingra @ Golu have already been granted Bail by this Court *vide* Orders dated 27.09.2022 and 05.07.2022 respectively. The Applicant is not likely to induce or threaten the witnesses in the present the case. Considering his long incarceration and that there is no likelihood of his absconding from the process of law, the prayer is made that Bail be granted to the Applicant.

20. The Bail is opposed by the Complainant, who has asserted that a total sum of Rs.25,25,000/- was cheated from him.

21. The other two co-accused had been granted bail as the money that was transferred in their respective accounts by the Applicant, has already been deposited in the Court. The Applicant is the mastermind, who has defrauded the Complainant of Rs.25,25,000/-.

22. Considering the role and the extent of cheating, he may not be admitted to bail.

23. Submissions heard and record perused.

24. The allegations against the Applicant are of having taken in all Rs.25,25,000/- from the Complainant on various pretexts. Chargesheet



already stands filed and charges are yet to be framed. There are 36 witnesses to be recorded.

25. Considering the nature of allegations and that the Applicant is in Judicial Custody since 19.05.2022 and also that the trial is likely to take long, the Applicant is granted 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.

26. The copy be sent to the learned Trial Court and Jail Superintendent for information and compliance.

27. The Bail Application along with pending Application(s), if any, is disposed of accordingly.

**(NEENA BANSAL KRISHNA)
JUDGE**

JULY 28, 2025/R