



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

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*Reserved on: 28th July, 2025
Pronounced on: 30th July, 2025*

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BAIL APPLN. 2226/2025

QAMAR IKBAL

S/o LATE MOHAMMAD YUSUF,
RIO R-314, GF SARA APARTMENT, B-4, GALI NO.2,
NEAR QADRI MASJID, JOGA BAI EXT, JAMIA NAGAR,
OKHLA, NEW DELHI -110025.

....Petitioner

Through: Mr. Kapil Chaudhary,
Mr. Prakhar Sharma and
Ms. Riya Verma, Advocates.

versus

STATE (GNCT OF DELHI)
THROUGH SHO,
PS- SPECIAL CELL, DELHI.

....Respondent

Through: Mr. Utkarsh, APP for the State
with Inspector Shiv Dev, IFSO/
Special Cell.

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 the Bharatiya Nagarik Suraksha Sanhita, 2023 ("BNSS") has been filed by the Applicant Qamar Ikbal for grant of Regular Bail in FIR No.0111/2025 under Sections 318(4)/319(2)/ 61(2)/3(5) of BNS, 2023, registered at PS: Special Cell, Delhi.



2. It is submitted that the Applicant is not named in the FIR and he had joined the investigations regularly as instructed by the IO. However, he was arrested on 23.04.2025, when he went to the IFSO, Special Cell, Sector 16-C, Dwarka, Delhi to attend the investigation.
3. It is submitted that he is innocent and has not committed any offence as alleged in the FIR and has been falsely implicated in this case. The Applicant was working as shuttering Contractor and has no role to play in the offence of cheating. Also, nothing has been recovered from his possession. He is neither a member of any Whatsapp group to do trading nor had connection with anyone outside India.
4. Till date, nothing has come on record to show that the Applicant is involved in the present case except the false disclosure statement of main accused Arshad Choudhary. He has no role to play nor is there any incriminating evidence recovered from his possession. The Applicant is neither the key conspirator nor did he play a central role in the cheating. The acts of cheating had been committed by other co-accused persons. He had merely provided his account details to one Arun Jain to get GST number. He had no knowledge of the nature of the funds received in his accounts. No wrongful loss has been caused to any person by him. No offences as stated in the FIR, are attracted.
5. The investigations are still in progress. The allegations made would require a full trial for being proved. Therefore, he is entitled to be enlarged on bail. There is no likelihood of his tampering with the evidence or fleeing from the trial, as he is living and working in Delhi. There is no fruitful purpose in keeping him confined in jail.



6. Reliance has been placed on *Sanjay Chandra vs. Central Bureau of Investigation*, (2012) 1 SCC 40, wherein it has been held that detaining a person in custody pending completion of trial, could be a cause of great hardship but in such cases, “necessity” is the operative test. If his custody is not required, then considering his right of personal liberty enshrined in the Constitution of India, detaining the Applicant during trial would amount to his conviction without trial.
7. Reliance has also been placed on *Mohan Raikwar vs. State of M.P.* 1999 (2) MPLJ 663, wherein it has been observed that each day of custody and each day of confinement is the fresh ground of bail.
8. Reliance has also been placed on *Zahur Haider Zaidi vs. CBI*, SLP CRL No.2123/2018; on *Praveen @ Sonu vs. State of Haryana*, 2021 SCC OnLine SC 1184 to assert that confessions of accused and statements of co-accused are not safe to maintain conviction. Similarly, in *Mohd. Ayub vs. State (NCT of Delhi)*, MANU/DE/2011/2021:282(2021) DLT 741 it has been held that disclosure statement of accused is not admissible as per Sections 25 and 26 of the Indian Evidence Act.
9. Further, reliance was placed on *Javed Gulam Nabi Shaikh vs. State of Maharashtra and Another*, CRL.APPEAL No.2787/2024 to assert that bail should not be withheld as a punishment and State should not oppose the bail on the ground that the crime committed is serious.
10. **Status Report** has been filed on behalf of the State, wherein it is submitted that a Complaint of Sh. Akshay Gupta was received in IFSO regarding fraud and cheating of Rs.4,04,50,000/- by unknown persons through Whatsapp group, on the pretext of guidance for Stock Trading



strategies for investment in trading stocks on higher returns. During *Preliminary Enquiry*, the Complainant was examined, wherein he alleged that he was induced to pay in multiple Bank Accounts in the months of February, 2025 and March, 2025 to invest in stocks and IPO. On his Complaint, the FIR was registered.

11. During the course of investigations, Notices under Section 94 BNSS were sent to the Bank as in first layer, cheated money was transferred to different banks accounts, located in different parts of the country. The Notices have also been served to trace out further money trail.

12. During the investigations, SDR of 06 mobile numbers was obtained, most of which used to run WhatsApp only. Reply to the Application seeking IP details of these Numbers and WhatsApp groups, is still awaited.

13. Notice under Section 94 BNSS was sent to Gname.com Pte. Ltd (Hongkong Based Company) for obtaining registrant details of alleged domain/link <https://m.galahadlte.com/register?u=43427882>, but the Reply is still awaited.

14. During the course of investigation, details of one of the Current Account No. 10217321403 IDFC First Bank, Branch Chandni Chowk, Delhi was obtained. The account was found to have been opened in the name of Saroj Enterprise C/o Shop No. 2103/3, Atma Ram Building, Third Floor, Opposite Jubilee Mall, Chandni Chowk, Delhi-110006 having co-accused Arun Jain S/o Raj Kumar Jain as sole Proprietor and the registered mobile number in the alleged bank account is +919350019726.

15. The account statement of said Account was perused. Most of the money got credited within a period of 02 days. Efforts were made to nab the



culprits. Complainant's Rs.64,00,000/- were credited in the said alleged bank account on 08/09.03.2025.

16. It has further surfaced that accused person namely Arun Jain was arrested in Case FIR No. 89/2025 under Section 318(4) BNS registered at PS: Cyber East, Gurugram, Haryana. The allegations in that case are similar to present FIR and Arun Jain is presently in judicial custody in Gurugram, Haryana. During further investigation, co-accused Arun Jain was formally arrested on 15.04.2025.

17. During his interrogation, he disclosed that he was in financial trouble and wanted to make easy money by giving his current Account on commission basis for GST Trading. In this process, he came in contact with accused persons ***Qamar Iqbal*** (Applicant herein) and Arshad. In the first week of March, 2025, co-accused Arun Jain was kept in Hotel Green House, Behind Apollo Hospital, New-Delhi, where he handed over the registered SIM of +919350019726 and cheque book of alleged IDFC Bank Account to other co-accused persons, namely Applicant Qamar Iqbal and Arshad.

18. On 22.04.25, co-accused Arshad Choudhary was arrested, who during his interrogation, disclosed his complicity in the crime and disclosed that he was contacted by the Applicant Qamar Iqbal. He further stated that the Applicant provided him two current bank account numbers of IDFC First Bank, Chandni Chowk Branch, Delhi and current bank A/c No.2402265763690148 maintained with AU Small Finance Bank, Branch, Sector-12, Dwarka, Delhi to run on 04% commission basis. Further, co-accused Arshad Choudhary called one Accused Riyaz from Lucknow, U.P.



along with Surender and others from Udaipur, U.P. for operation of these bank accounts.

19. Co-accused Arshad Choudhary was arrested and taken to Outstation Lucknow for the search of accused persons, but to no success. Efforts are being made to trace Riyaz and his associates.

20. During the course of further investigation, the Applicant was arrested on 23.04.2025 and was confronted with co-accused Arshad Choudhary regarding the supply of two current bank accounts; one in IDFC Bank and other in AU Small Finance Bank, Branch, Sector-12, Dwarka, to run on 04% commission. Further, incriminating chats were found in mobile phone of the Applicant with the co-accused persons regarding operation of the alleged bank accounts.

21. The *role and culpability of the Applicant Qamar Iqbal* has been given in detail. It is stated that he is the bank account provider for use in cyber crime as he procured bank accounts from the needy persons and then further provided to the cyber criminals to be used in large scale cyber offences, i.e. share investment frauds, digital arrests, GST frauds and online gaming. He called co-accused Arshad Choudhary in Jasola, New-Delhi and arranged logistics in furtherance of this crime. He received his commission from co-accused Riyaz in USDT.

22. The CDR of the Applicant revealed that he was in constant touch with the other co-accused persons. The analysis of Applicant's mobile phone revealed incriminating chats with co-accused Riyaz, Rafi and Arshad regarding operation of bank accounts for cyber crime purpose. The other co-



accused persons are yet to be arrested. These alleged bank accounts have multiple pan India NCRP Complaints.

23. The *chargesheet* was filed before the Court on 13.05.2025 against the Applicant and other two co-accused persons. The Bail Application filed before the learned ASJ has been dismissed vide Order dated 03.06.2025. The Second Bail Application has also been dismissed by the learned ASJ vide Order dated 06.05.2025.

24. During the course of the investigation, mobile phones used in this crime have been seized from the possession of the accused persons. The investigation is still in progress for arrest of other accused persons. On 04.07.2025, one more accused Govind Teli has been arrested as account holder of Current account No.10214370792 of IDFC First Bank, Bijay Nagar Branch, Ajmer, Rajasthan in which Rs.75,00,000/- were received in First Layer.

25. The Bail Application is therefore, strongly opposed on the ground that there is possibility that the Applicant may tamper with the evidence.

26. Submissions heard and the record perused.

27. The case of the Prosecution against the Applicant is that he was the provider of Accounts to be used in cyber crime. He had also provided his bank accounts to co-accused Arshad Choudhary on commission basis. The CDRs revealed that he was in constant touch with other co-accused persons. There are incriminating chats of the Applicant with other co-accused persons regarding operation of the bank accounts for cyber crime. As has been submitted on behalf of learned APP for State, there is huge racket of cyber crime, whereby cheated money is layered to fifteen levels and



complex investigation is required to investigate each layer, where the money is transferred. There are serious allegations of cyber crime and cheating people of their hard-earned money.

28. Considering the gravity of offence and initial stage of trial, no case is for grant of bail is made out.

29. The Bail Application is hereby dismissed. Pending Application(s), if any, is also disposed of.

**(NEENA BANSAL KRISHNA)
JUDGE**

JULY 30, 2025/R