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

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*Judgment reserved on: 26.11.2025**Judgment pronounced on: 09.12.2025**Judgment uploaded on: 12.12.2025*+ **BAIL APPLN. 2256/2025 & CRL.M.A. 28382/2025,****CRL.M.A. 25302/2025****SUNIL KUMAR**

.....Petitioner

Through: Mr. Praveen Rana, Mr. N.B.
Tiwari, Ms. Sarita Sharma and
Ms. Marshan, Advocates

versus

STATE OF NCT DELHI

.....Respondent

Through: Mr. Naresh Kumar Chahar,
APP for the State with Ms.
Amisha Dahiya, Advocate
Mr. Akshat Aggarwal,
Advocate for the complainant
along with complainant.**CORAM:****HON'BLE DR. JUSTICE SWARANA KANTA SHARMA****JUDGMENT****DR. SWARANA KANTA SHARMA, J**

1. The applicant has preferred this application, seeking grant of anticipatory bail in case arising out of e-FIR bearing no. 80145093/2024, registered at Police Station Preet Vihar, New Delhi, for the commission of offence punishable under Section 303(2) of the Bharatiya Nyaya Sanhita, 2023 [hereafter 'BNS'].



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2. Briefly stated, the facts of the present case are that the complainant got the present e-FIR registered on the allegation that his employee, Sunil Kumar (the applicant herein), had committed theft of articles/belongings, including hand wash, from his shop on 25.12.2024, the details of which he would furnish to the Investigating Officer (I.O.) after matching the ledgers. After registration of the FIR, the complainant was examined by the I.O. He stated that he had known the applicant since 2011, when both had worked in the same company, Siemens, until 2014. Thereafter, the complainant started his own business under the name and style of M/s D.A.G. Trade & Facility Management and invited the applicant to join him. On 25.12.2024, the applicant was instructed to deliver a consignment comprising 56 boxes of luxury foam soaps to a client at Sonipat; however, the consignment could not be delivered as the order was cancelled while the truck was en route. The complainant alleged that, on the way back, due to the holiday and the unavailability of other employees at the main godown, he directed the driver to unload the goods at Shop No. 21, Galaxy Market, Defence Enclave, Preet Vihar, Delhi. Subsequently, upon verification of the CCTV footage of loading and unloading of the goods, the complainant noticed a discrepancy of 14 boxes of luxury foam soap, as 70 boxes had been loaded in the truck whereas only 54 had been unloaded.

3. As per the status report placed on record, during the course of investigation, it came to light that the items alleged to have been stolen were also sold to one Manish Mittal of Kondali, one of the



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complainant's business partners, and to another person, namely Umesh Chand. Both were served with notices to join the investigation. It is stated that Manish Mittal admitted that he had transferred money to the bank accounts of the applicant Sunil Kumar and his wife, Mahezbeen, on several occasions. During investigation, Umesh Chand also joined the proceedings and disclosed that on 25.12.2024, he had received 14 boxes of goods from one Prakash on the instructions of the applicant Sunil and had paid ₹18,000/- in cash for the same. It is further stated that during investigation, the complainant was asked to furnish an inventory of the stolen/misappropriated goods, pursuant to which he submitted documents relating to his book stock and physical stock. According to the complainant, goods worth approximately ₹67 lakhs had been stolen and sold. Consequently, Sections 316(4) and 3(5) of the BNS were also added to the present case.

4. The anticipatory bail application of the applicant was dismissed by the learned Sessions Court *vide* order 13.06.2025. Thereafter, the present bail application was filed, and the applicant was granted interim protection from arrest.

5. The learned counsel appearing for the applicant argues that the complainant has been running his entire business under the name M/s D.A.G. Trade & Facility Management from his registered office at Krishna Nagar, Delhi, and that he neither has any other office nor godown. It is submitted that the mention of Shop No. 21, Galaxy



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Market, Preet Vihar, in the FIR is deliberate, only to bring the case within the jurisdiction of P.S. Preet Vihar, where the current I.O. of the case, a close acquaintance of the complainant, is posted. It is contended that the complaint is vague, lacking material particulars regarding the movement of goods, and that the FIR had been registered in undue haste without any preliminary inquiry. It is argued that the alleged reason for unloading the goods at Shop No. 21, Preet Vihar, on account of a holiday, is false, as there was no festival or weekly closure on the said date for the employees of the complainant. The learned counsel further submits that the complainant had developed animosity with the applicant after he had expressed his desire to start his own housekeeping business, and in collusion with the I.O., got him falsely implicated. It is argued that the alleged value of the missing goods, at best, is merely ₹32,340/-, yet the I.O. has exaggerated the figure and has been harassing the applicant and his aged and ailing parents and other relatives. The applicant, it is urged, is a law-abiding citizen with deep roots in society, not a flight risk, and is willing to cooperate with the investigation. He, therefore, prays for grant of anticipatory bail.

6. The learned APP for the State strongly opposes the present anticipatory bail application and submits that custodial interrogation of the applicant is essential for a fair, effective, and complete investigation. It is contended that during the course of investigation, it has been revealed that the missing 14 boxes of luxury foam soaps were delivered on the instructions of the applicant and were



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subsequently sold to Manish Mittal of Kondli and Umesh Chand. It is further submitted that substantial amounts have been credited into the bank accounts of the applicant and his wife, Mahezben, from Manish Mittal, which indicate their repeat involvement in the theft and unlawful sale of the goods. The investigation has also disclosed that Umesh Chand had received 14 boxes of the said items from one Prakash, acting on the instructions of the applicant, for a cash consideration of ₹18,000/-. The learned APP contends that the applicant has been evading investigation and is deliberately concealing material facts. It is submitted that custodial interrogation is necessary to trace the proceeds of the alleged sale, identify other persons involved, and recover the stolen property. Therefore, it is prayed that the present anticipatory bail application be dismissed.

7. This Court has **heard** arguments addressed on behalf of the applicant as well as the State, and has perused the material on record.

8. The allegations against the present applicant, in brief, are that while working as Manager with M/s D.A.G. Trade & Facility Management, he had dishonestly misappropriated 14 boxes of luxury foam soaps from a consignment sent to Sonipat and caused the same to be delivered to third persons without the complainant's knowledge. It is alleged that the applicant had instructed the delivery of the missing goods to Manish Mittal and Umesh Chand, received monetary consideration for the same, and thereby committed criminal breach of trust and misappropriation.



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9. This Court notes that the applicant, who had been associated with the complainant for nearly ten years, has categorically stated that the value of the said 14 boxes of luxury soaps would not exceed ₹32,000/-, considering their selling price. This assertion has not been disputed by the prosecution at any stage, and the complainant too has not provided the exact value of the contents of the said 14 boxes.

10. Further, as per the prosecution itself, these 14 boxes were allegedly sold to Umesh Chand, who has disclosed that he had paid ₹18,000/- in cash for them. Thus, the prosecution's own case indicates that the alleged misappropriation, insofar as it concerns these 14 boxes, relates to goods worth ₹18,000/- only.

11. The learned counsel for the applicant has also drawn the Court's attention to a complaint filed by the aforesaid Umesh Chand before the concerned DCP, wherein he has alleged that he was threatened by the I.O., who had obtained his signatures on blank papers and compelled him to write statements against the applicant.

12. Similarly, although the prosecution contends that Manish Mittal, a business associate of the complainant, admitted during investigation that he had transferred money to the applicant's and his wife's bank accounts towards purchase of stolen goods, an affidavit of Manish Mittal has been placed on record wherein he states that he never made any such disclosure before the I.O. and that he too was allegedly threatened by the I.O. to falsely implicate the applicant.

13. Apart from the above, this Court also notices that the I.O., in



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the status report, has referred to the documents supplied by the complainant indicating that goods worth approximately ₹67 lakhs had been stolen or misappropriated. However, in the reply filed before the learned Sessions Court, the I.O. in his reply stated that goods worth ₹55–58 lakhs had been misappropriated. However, there is nothing on record to even *prima facie* indicate that the applicant herein had misappropriated such goods. The allegations against him, at this stage, relate only to the alleged misappropriation of 14 boxes on 25.12.2024.

14. Having regard to the fact that the applicant has joined the investigation pursuant to the interim protection granted by this Court, and considering the overall circumstances of the case, this Court is of the view that the applicant has made out a case for grant of anticipatory bail. Accordingly, in the event of arrest, the applicant shall be released on his furnishing a personal bond in the sum of Rs.15,000/- with one surety of the like amount to the satisfaction of the SHO/I.O concerned on the following terms and conditions:

- i) The applicant shall join investigation, as and when called by the concerned I.O./SHO, and cooperate in the same; and he shall remain available on mobile numbers; shared by him with the Police.
- ii) The applicant shall not leave the country without prior permission of the concerned court.



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- iii) The applicant shall not directly or indirectly make an attempt to influence the witnesses or tamper with the evidence in any manner.
- iv) In case of change of residential address/contact details, the applicant shall promptly inform the same to the concerned court as well I.O./SHO.

15. Insofar as CRL.M.A. 25302/2025, seeking directions to the Commissioner of Police to change the I.O. of the case is concerned, the applicant herein may file an appropriate representation before the DCP concerned, who shall look into the same and decide the same as per law.

16. In above terms, the bail application and all pending applications are disposed of.

17. It is, however, clarified that nothing expressed hereinabove shall tantamount to an expression of opinion on merits of the case.

18. The judgment be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

DECEMBER 09, 2025/zp