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

% *Date of decision: September 13, 2022*

+ BAIL APPLN. 2728/2022

SACHIN @ SACHINDER KUMAR SINGH ..... Petitioner  
Through: Mr. Satish Kumar, Advocate.

versus

STATE (GOVT. OF NCT OF DELHI) ..... Respondent  
Through: Mr. Raghuvinder Varma, APP for  
State with SI Ganga Pal, P.S. Bara  
Hindu Rao.

**CORAM:**  
**HON'BLE MR. JUSTICE SUDHIR KUMAR JAIN**  
**JUDGMENT (oral)**

1. The present application is filed under section 438 Cr.P.C. for seeking anticipatory bail in FIR bearing No. 0137/2022 dated 21.05.2022 registered under section 408 IPC at P.S. Bara Hindu Rao.
2. Issue notice.
3. Mr. Raghuvinder Varma, Additional Standing Counsel accepts notice on behalf of the respondent/State.
4. The perusal of FIR bearing No. 0137/2022 reflects that it was got registered on the basis of complaint made by Pankaj Monga wherein it is stated that he is doing business of cosmetics at Shop bearing No. 2265-2266, Med Ganj, Sadar Bazar, Delhi and that the petitioner/applicant/accused was employed as servant for the last four years and was doing duty of cash collection and purchasing from the market. The complainant on 10.05.2022, sent the petitioner/applicant/accused at M/s Ratan Electronics situated at

1496, Ground Floor, Bhagirath Place, Delhi to collect Rs.14,00,000/- in cash but the petitioner/applicant/accused did not turn up. The complainant contacted the M/s Ratan Electronics and came to know that the petitioner/applicant/accused has left the shop much earlier. Thereafter, the complainant made search about the petitioner/applicant/accused who could not be traced and then the complainant lodged the complaint at P.S. Bara Hindu Rao on 21.05.2022 and accordingly, the present FIR was got registered.

5. The counsel for the petitioner/applicant/accused argued that the present FIR was lodged on the basis of false allegation and there is considerable delay of about 11 days in lodging the FIR which is not explained by the Investigating Agency. He further argued that from the perusal of FIR, it is appearing to be false, fabricated and concocted and has been lodged to shield the illegal transaction barred in law.

6. The Additional Public Prosecutor for the respondent/State assisted by SI Ganga Pal, P.S. Bara Hindu Rao that the accused has not joined the investigation and Riyansh Jain, owner of Ratan Electronics also handed over the CCTV recording of the shop. The petitioner/applicant/accused could not be traced despite the search was made at his residential place. The petitioner/applicant/accused also filed a bail application under section 438 Cr.P.C. bearing Bail Appl. No. 1642 titled as **State V Sachin@Sachinder Kumar Singh**, which was dismissed by the Court of Shri Sanjay Sharma-II, Link Judge, ASJ-03, Tis Hazari Courts, Delhi vide order dated 24.08.2022.

7. Considering the allegations as mentioned in FIR and that the accused has not joined the investigation, at this stage, no ground for bail is made out.

8. Hence, the present bail application alongwith pending applications, if any, stands dismissed.

**SUDHIR KUMAR JAIN, J**

**SEPTEMBER 13, 2022**

*N/M*

