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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 01.09.2025

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BAIL APPLN. 2143/2025 & CRL.M.A.26041/2025

AJAY KUMAR NAYYAR

.....Petitioner

Through: Mr. Girijesh Pandey and Mr.
Vatsalya, Advocates.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Ms. Manjeet Arya, APP for State with
SI Amit Kumar, PS Crime Branch.**CORAM: JUSTICE GIRISH KATHPALIA****J U D G M E N T (ORAL)**

1. The accused/applicant seeks regular bail in case FIR No. 215/2021 of PS Crime Branch for offence under Section 419/420 IPC. I have heard learned counsel for accused/applicant as well as learned APP assisted by IO/SI Amit Kumar.

2. Broadly speaking, prosecution case is as follows. In the month of June 2020, Mr. Amit Talwar, a family friend of the complainant *de facto* introduced him with the present accused/applicant at Jalandhar Gymkhana Club. The present accused/applicant represented himself as Ajay Shah, nephew of the Union Home Minister and assured to get the complainant *de facto* a tender worth Rs.90 crores from Government of India with respect to

BAIL APPLN. 2143/2025

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supply of leather for renovation of President's Estate. After sometime, one Ramesh Kumar (*co-accused*) representing himself as the inspecting officer from the Union Government visited the complainant *de facto* and inspected his factory. The complainant *de facto* visited Delhi and met the present accused/applicant who showed a demand draft of Rs. 90 crores in the name of M/s Jalandhar Leather (India) Pvt. Ltd., a company run by the complainant *de facto* in Punjab; the accused/applicant represented that the said demand draft would be released to the complainant *de facto* in respect of the tender and asked him to pay Rs. 2.50 crores as processing fee. Thereafter, across several meetings with the accused/applicant, a sum of Rs. 3.90 crores was paid to him by the complainant *de facto* through cash and RTGS on different occasions towards the said tender. Further, the accused/applicant used to visit the Jalandhar office of the complainant *de facto* in expensive cars, registration numbers whereof were mentioned in the FIR. The accused/applicant during those visits used to be accompanied by his Personal Security Officers (PSOs). On 05.11.2021, the accused/applicant showed in his mobile phone, picture of another demand draft of Rs. 127 crores, stating that the cost of tender had been increased from Rs. 90 crores to Rs. 127 crores. On 10.12.2021, the accused/applicant was arrested and further investigation continued culminating into chargesheet for offence under Section 420/120B IPC.

3. On behalf of accused/applicant, it is contended by learned counsel that the charges were framed in the year 2022 and the trial would take a long



time to conclude, so the accused/applicant deserves bail. It is contended by learned counsel for accused/applicant that since the offence of cheating is punishable with 07 years imprisonment and the accused/applicant has already suffered undertrial imprisonment for 04 years, he deserves bail. It is also submitted by learned counsel that the co-accused Raj Kumar Nayyar has been granted bail by the Supreme Court vide order dated 27.01.2025.

3.1 Besides, it is submitted by learned counsel for accused/applicant that he has instituted contempt proceedings against the Investigating Officer and writ petition against jail authorities.

4. Learned APP strongly opposes the bail application, disclosing that the trial court is already considering to amend the charge and add charges for offence under Section 467/471/120B IPC, pertaining to forged cheques given by the accused/applicant as security to the complainant *de facto* and the same being punishable with life imprisonment, undertrial detention of 04 years loses significance. It is informed by learned APP that originally, charge for offence under Section 467/120B IPC was framed against only one of the accused persons namely Sanjeev Kumar Verma. Further, learned APP also submits that it is the accused/applicant, who is protracting the trial and has taken as many as 05 dates to continue cross-examination of just one witness, but the testimony is still not concluded by him. Further, learned APP has also taken me through the antecedents of the accused/applicant described in paragraph 13 of the status report, as per which the



accused/applicant was involved in another similar case of cheating, which he settled by paying Rs. 75 lakhs to the complainant of that case, and that amount was drawn by the accused/applicant from the amount received by him in the present case. As regards the bail granted to co-accused Raj Kumar Nayyar, it is contended by learned APP that his role is completely distinct from the role of the present accused/applicant as described above.

5. Considering the nature and expanse of the allegations against the accused/applicant coupled with the pending consideration of amendment in charge to include the offences under Section 467/471/120B IPC, punishable with life imprisonment and also keeping in mind the antecedents, at this stage, I do not find it a fit case to grant bail to the accused/applicant.

6. Accordingly, the bail application and pending application are dismissed.

7. Copy of this order be sent to the concerned Jail Superintendent for immediately being conveyed to the accused/applicant.

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