

 $\$ \sim 2$

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

% *Date of Decision: 08.10.2026*

CNR No. DLHC010267882026

+ **BAIL APPLN. 2347/2026**

VISHAL SHARMA

.....Petitioner

Through: Mr. Ojas Nirula, Mr. Piyush Jain and
Mr. Paritosh Yadav, Advocates.

versus

STATE OF NCT DELHI

.....Respondent

Through: Mr. Amit Ahlawat, APP for State
with IO/SI Ankur.

CORAM: JUSTICE GIRISH KATHPALIA

J U D G M E N T (ORAL)

1. The applicant/accused seeks regular bail in case FIR No. 34/2025 of Police Station Cyber Police Station West, Hari Nagar for offence under Section 318(4)/61(2)/3(5) of BNS.

2. After last date, the updated status report came on record. But even the updated status report reflects the investigation status as standstill and conveys an impression that the investigation is not being carried out with any sincerity despite observations in previous two orders.

BAIL APPLN. 2347/2026

Page 1 of 6 pages

Signature Not Verified

Digitally Signed
By:RAHUL YADAV
Signing Date:08.10.2026
16:58:16

GIRISH
KATHPALIA

Digitally signed by GIRISH KATHPALIA
DN: c=IN, o=HIGH COURT OF DELHI,
2.5.4.20=8401dd88b27a77b2f65ffff4afec
45569af3962c6fb48354d33f97626acca,
ou=HIGH COURT OF DELHI/CID - 7047638,
postalCode=110003, st=Delhi,
serialNumber=d3e86796451ec45c07b5d15
570996b40f8022ee66402c487965ff801e
26fa, cn=GIRISH KATHPALIA
Date: 2016.10.09 14:08:26 +05'30'



2.1 I have heard learned counsel for accused/applicant and learned APP for State assisted by IO/SI Ankur.

3. Broadly speaking, the prosecution allegation is that the present accused/applicant received in his bank account a sum of Rs.1,40,000/-, which amount is allegedly the cheated amount. The relevant facts as culled out of the status report are as follows. On 11.03.2025, on complaint of one Dipesh Soni on NCRP (*National Cybercrime Report Portal*) e-FIR No.34/2025 was registered at PS Cyber West. During investigation, the complainant *de facto* stated that he got in touch with one Isha Rajput of Bangalore through Bumble App and they exchanged their mobile phone numbers, which followed their conversations on WhatsApp; that Isha Rajput allured him to invest money via Centurymarket Trading App and he accordingly invested Rs.25,000/-, which got escalated to Rs.1,90,000/-, but when he wanted to withdraw the profits, he was unable to do so; that on being contacted, Isha Rajput connected him with Customer Support Staff who informed that his trading account had been frozen, so he was required to deposit a sum of Rs.2,65,965/-; and that realizing the fraud, he lodged the complaint on NCRP.

4. Learned counsel for accused/applicant takes me through previous two orders and points out that despite detailed observations in those orders, no honest investigation is being carried out and the accused/applicant is

BAIL APPLN. 2347/2026

Page 2 of 6 pages

GIRISH
KATHPALI

Digitally signed by GIRISH KATHAPALIA
DN: c=IN, o=HIGH COURT OF DELHI,
2.5.4.20=8401d88109b27a7b2f65ff04efac45
560a93962c9b4835d435f97626acca,
ou=HIGH COURT OF DELHI/CID - 7047638,
serialCode=110003, st=Delhi,
serialNumber=3c3e86796451ec4570b5d1557
0996b40f80cbcd2ee06402c487965f801e26fa,
city=GIRISH KATHAPALIA
Date: 2003.10.09.14:59:15 +05'00'

Signature Not Verified

Digitally Signed
By:RAHUL YADAV
Signing Date:08.10.2026
16:58:16



2026:DHC:8892



languishing in jail for past 10 months. It is submitted by learned counsel that the transaction between the complainant *de facto* and the accused/applicant was purely a business transaction, which unfortunately failed, so the complainant *de facto* lodged the FIR concocting facts. It is also submitted that the bank account in which the amount of Rs.1,40,000/- got transferred had been opened by the accused/applicant on advice of Abhishek, as they were entering into a business deal. It is submitted that the accused/applicant being a young man of 27 years of age was not an experienced person, so he faltered in the process.

5. Learned APP for State argues that investigation is still continuing. It is submitted by learned APP that during investigation it has been found that the accused/applicant is involved in yet another case of cyberfraud in Jaipur. It is submitted by learned APP that investigation is being carried out with all sincerity by the IO. Learned APP also submits that keeping in mind the nature of this offence, grant of bail to the accused/applicant would not be appropriate.

6. On last date, it was specifically observed that till date neither Abhishek nor Isha Rajput have been arrested, though both of them are co-accused according to the prosecution side. The IO had submitted on last date that in the month of December 2025 he had issued notice to Abhishek to join investigation but thereafter, no action was taken by him and similarly regarding Isha Rajput, the Bumble App did not respond to his notice for

BAIL APPLN. 2347/2026

Page 3 of 6 pages

Signature Not Verified

Digitally Signed
By: RAHUL YADAV
Signing Date: 08.10.2026
16:58:16

GIRISH
KATHPALIA

Digitally signed by GIRISH KATHPALIA
DN: cn=GIRISH KATHPALIA, o=HIGH COURT OF DELHI,
2.5.4.20=8601d48896272776165816e4f
e4358af5962c0b4835a3397126acc
a, ou=HIGH COURT OF DELHI, c=IN,
serialNumber=1488796511e45c5703d
15570996b409bcb2bee6402c487965f
0801a256a, cn=GIRISH KATHPALIA
Date: 2026.10.08 16:59:04 +05'30'



supply of her particulars. Taking on record the submission of learned counsel for accused/applicant that the IO is deliberately protecting both the said persons, because those persons would show that the transaction between the accused/applicant and the complainant *de facto* was a genuine business transaction, matter was adjourned on last date giving more time to the IO to investigate further and file updated status report.

7. The updated status report, as mentioned above reflects nothing but sham paperwork carried out by the IO to somehow justify the prolonged incarceration of the present accused/applicant. No serious effort appears to have been made to arrest the co-accused Abhishek and no serious effort appears to have been made to even trace out the co-accused Isha Rajput. From material on record as on date, it cannot be ruled out that Isha Rajput is a fictitious name. On this aspect, learned APP submits that IO is carrying out further investigations to track down both the said co-accused persons. But in past 10 months, practically nothing concrete having been done by the IO in this regard, therefore keeping the accused/applicant in jail does not appear to be justified.

8. According to the updated status report, the managers of the Bumble App did not respond to multiple notices of the IO. Admittedly, no further action in accordance with law was taken by the IO against those managing the Bumble App in order to trace out the co-accused Isha Rajput. As regards Isha Rajput, it is also stated by the IO that he tracked down the WhatsApp

BAIL APPLN. 2347/2026

Page 4 of 6 pages

Signature Not Verified

Digitally Signed
By:RAHUL YADAV
Signing Date:08.10.2026
16:58:16

GRISH KATHPALIA
Digitally signed by GRISH KATHPALIA
DN: c=IN, o=HIGH COURT OF DELHI,
2.5.4.20=8401d889b27a77b2f5ff8e4a4ec45,
5.0.0.13962cfb48354435597626acca,
ou=HIGH COURT OF DELHI(DC - 704763R,
postalCode=110003), st=Delhi,
serialNumber=3486799451ec45d7b5d5157
0096b4098b8cd2aee04022c487965f801a26fa
cm=GRISH KATHPALIA



number of Isha Rajput and the same was found registered in the name of one Rakesh in Chennai, but thereafter no further action was taken to trace out Isha Rajput. Despite investigation of 10 months, till date no screenshot of any conversation or call logs between the complainant *de facto* and Isha Rajput pertaining to the Bumble App or the Trading App have been obtained by the IO even from mobile phone of the complainant *de facto*.

9. Similarly, as regards the co-accused Abhishek, it is stated in the updated status report that on the application filed by the IO, the learned magistrate issued non-bailable warrants against Abhishek on 14.09.2026 (*before this court, the last date was 04.08.2026*), but thereafter on 21.09.2026 on application of co-accused Abhishek, those warrants were recalled. Thereafter, again the IO issued notice to the co-accused Abhishek on 29.09.2026 to join investigation on 04.10.2026. Today, it is informed by the IO that on 04.10.2026 also, the co-accused Abhishek did not join investigation. Despite that, till date no further action has been taken by the IO as regards the co-accused Abhishek.

10. I find substance in the submission of learned counsel for accused/applicant that the IO is carrying out only paperwork in the name of investigation and taking no serious steps, because once Isha Rajput and Abhishek are arrested, they would disclose the genuine business transaction.

11. As regards the arrest of the accused/applicant in another case in

BAIL APPLN. 2347/2026

Page 5 of 6 pages

Signature Not Verified

Digitally Signed
By:RAHUL YADAV
Signing Date:08.10.2026
16:58:16

GIRISH
KATHPALIA

Digitally signed by GIRISH KATHPALIA
DN: c=IN, o=HIGH COURT OF DELHI,
2.5.4.20=8401d888b9277a7b2f65ffff4afca455
69af3962c6b4835435f97626caca, ou=HIGH
COURT OF DELHI,CID=7047638,
serialCode=1100003, st=Delhi,
postalNumber=d3a8679651ec450c7b5d15570
996b40f90cdd2aee6a0402c487965f801e26fa,
cn=GIRISH KATHPALIA
Date: 2023.10.08 16:58:39 +05'30'



2026:DHC:8892



Jaipur, in the backdrop of the above discussion, further incarceration of the accused/applicant on the basis of that Jaipur case would not be appropriate in the present case.

12. Therefore, the bail application is allowed and it is directed that subject to the accused/applicant furnishing a personal bond in the sum of Rs.50,000/- with one surety in the like amount to the satisfaction of learned trial court or duty magistrate, the accused/applicant be released on bail.

13. It is made clear that nothing observed in this order shall be read to the prejudice of either side by the trial court and the trial court shall take independent view at the relevant stage on the basis of material on record.

14. Copy of this order be sent to the concerned Jail Superintendent for being informed to the accused/applicant.

GIRISH
KATHPALIA

Digitally signed by GIRISH KATHPALIA
DN: c=IN, o=HIGH COURT OF DELHI,
2.5.4.20=8401dd889b27a77b2b5fffe4fec4
5569a93962c6f04835d435f97626caca,
ou=HIGH COURT OF DELHI, CN=7047638,
postalCode=110003, st=Delhi,
serialNumber=d3e86796451ec45c07b5d15
570996b40f80cbd2ee60402c487965ff801e
26fa, cn=GIRISH KATHPALIA
Date: 2026.10.08 16:58:22 +05'30'

**GIRISH KATHPALIA
(JUDGE)**

OCTOBER 8, 2026/ry

BAIL APPLN. 2347/2026

Page 6 of 6 pages

Signature Not Verified

Digitally Signed
By: RAHUL YADAV
Signing Date: 08.10.2026
16:58:16