**IN THE COURT OF SH. SAURABH PARTAP SINGH LALER,**
**LD. ADDITIONAL SESSIONS JUDGE-05, NEW DELHI DISTRICT,**
**PATIALA HOUSE COURTS, NEW DELHI-110001**

**Bail Matters No. 1292/2026 (u/s 482 BNSS)**
IN THE MATTER OF: State vs. Hitesh Dhakolia
*(Anticipatory Bail Application)*

**AND**
**Bail Matters No. 1291/2026 (u/s 482 BNSS)**
IN THE MATTER OF: State vs. Gurshan Singh
*(Anticipatory Bail Application)*

**AND**
**Bail Application No. 1398/2026 (u/s 483 BNSS)**
IN THE MATTER OF: State vs. Sikandar Azam Sayyed
*(Regular Bail Application)*

e-FIR No. 00064/2026, dated 06.04.2026
Under Sections 308/318(4)/319/340/612 BNS, 2023
P.S. Special Cell/IFSO, Delhi

Present : Sh. Mukul Kumar / Sh. Praveen, Ld. Addl. PP for the State.
Sh. Saquib Arbab, Ld. Counsel for applicants Hitesh Dhakolia and Gurshan Singh.
Sh. A.F. Faizi, Sh. Mohd. Asif and Sh. Sayed Bashar Afzal, Ld. Counsel for applicant Sikandar Azam Sayyed.

## COMMON ORDER

1. By this common order, I propose to dispose of three connected bail applications arising out of the same e-FIR No. 00064/2026, registered at P.S. Special Cell/IFSO, Delhi, under Sections 308/318(4)/319/340/612 of the Bharatiya Nyaya Sanhita, 2023, namely: (i) the application filed on behalf of accused Hitesh Dhakolia

under Section 482 BNSS seeking anticipatory bail; (ii) the application filed on behalf of accused Gurshan Singh under Section 482 BNSS seeking anticipatory bail; and (iii) the application filed on behalf of accused Sikandar Azam Sayyed under Section 483 BNSS seeking regular bail. All three applications are being taken up together as the accused persons named therein are alleged to be part of the same chain of criminal conspiracy and the evidence relied upon by the prosecution qua each of them overlaps substantially. A composite adjudication is, therefore, necessary to avoid inconsistent findings on common questions of fact and law.

2. **BRIEF FACTS OF THE CASE**

2.1. The present FIR came to be registered on the complaint of the complainant, who alleged that she received a telephone call on 29.03.2026 from a person identifying himself as Rajendra Awasthi, who represented himself to be probing the Red Fort blast case in Delhi, in which one Dr. Jakir is stated to be the main accused. The complainant was falsely informed that she was a suspect in the said blast. Thereafter, another caller, one Sandeep Rao, purportedly from the Pune ATS, contacted the complainant and continued the intimidation. Believing the calls to be genuine, the complainant was induced to transfer monies into various bank accounts furnished to her by the callers. As a consequence of this elaborate digital impersonation fraud, the complainant was cheated of a sum of Rs. 2,07,99,952/- (Rupees Two Crore Seven Lakh Ninety-Nine Thousand Nine Hundred Fifty-Two only).

2.2. Investigation revealed that the cheated amount was routed through multiple layers of beneficiary accounts. Of particular relevance, a sum of Rs. 70,00,000/- was transferred on 04.04.2026 into an account held in the name of one Vishal, maintained at Bandhan Bank, Shalimar Bagh Branch. On the same date, Rs. 31,00,000/- was withdrawn in cash from the said account. Investigation further disclosed that the Branch Manager of the said branch, Himanshu Thukral, had facilitated the opening and operation of a mule current account in the name of 'Bulk Beverages Co.' for the purpose of receiving and laundering the proceeds of crime, and that one Rakesh Roy (alias Roy) had arranged for the opening of Vishal's account and remained in continuous telephonic contact with the Branch Manager, as borne out by Call Detail Records reflecting 52 calls between them. Both Himanshu Thukral and Rakesh Roy were arrested and were subsequently admitted to regular bail vide a common order dated 25.05.2026 passed by this Court.

2.3. During further investigation, raids were conducted, and on 24.05.2026 the accused Sikandar Azam Sayyed and co-accused Karandeep (Karan) were apprehended from Bareilly and arrested in connection with the present case. During their police custody remand, both disclosed that, pursuant to the criminal conspiracy, they had gone to the Bandhan Bank, Shalimar Bagh Branch and collected a sum of Rs. 14,00,000/- in cash out of the cheated amount, and thereafter proceeded to Kaveri Hotel, Greater Noida, where they handed over the said cash to co-accused Hitesh Dhakolia and Gurshan Singh, retaining a commission of Rs. 30,000/- each for themselves.

2.4. It has further emerged from the reply furnished by the hotel management, Kaveri Hotels and Resorts LLP, in response to a notice issued under Section 94 BNSS, that a room bearing Property No. SA-536 was booked in the name of Hitesh Dhakolia for the period 01.04.2026 to 12.04.2026, with a subsequent booking under Property No. 520 for the period 21.05.2026 to 23.05.2026. The hotel record further discloses that during the said stay, the guest was visited by Sonu Pal, Gurshan Singh, Sikandar and Karandeep. Payments towards the room tariff and vehicle parking charges (parking of vehicle bearing registration No. CH01BM7728 for approximately 20 days) were made through UPI transactions traceable to Gurshan Singh.

2.5. The Investigating Officer has placed on record the chats recovered from the mobile device of co-accused Sonu Pal, who also stands arrested in the present case, reveal direct conversations between Hitesh Dhakolia and Sonu Pal, and separately between Gurshan Singh and Sonu Pal, in which specific reference is made to 'Bandhan Bank' and to the name 'Sikandar'. According to the prosecution, these chats establish that Hitesh Dhakolia and Gurshan Singh were not mere hosts providing accommodation to Sikandar and Karan, but active and knowing participants in the layering and siphoning of the cheated amount.

3. **CASE AND ARGUMENTS QUA ACCUSED HITESH DHAKOLIA AND GURSHAN SINGH**

3.1. Ld. Counsel Sh. Saquib Arbab, appearing for both applicants Hitesh Dhakolia and Gurshan Singh, has filed written submissions and has argued the two anticipatory bail applications together, submitting, inter alia, that:

a) Neither applicant is named in the original complaint or the FIR, which uses only vague and omnibus expressions such as 'someone' and 'they';

b) Neither applicant is alleged to be a first-layer beneficiary, account holder, bank official, cheque-presenter or cash-withdrawer qua the Bandhan Bank account, and no cheated amount is shown to have been directly credited to any account in their names;

c) The case against them, as disclosed in the Status Report, is entirely derivative, resting on (i) disclosure statements of co-accused Sikandar and Karan, (ii) CDR material of co-accused Karandeep, (iii) an alleged cash handover at Kaveri Hotel, and (iv) a general assertion that the applicants used international mobile numbers and were in contact with a larger syndicate, unsupported by any numbers, IP logs, device details or transcripts;

d) No CCTV footage places either applicant inside the Bandhan Bank branch or shows them receiving cash at the hotel, and no recovery has been effected from either of them;

e) There exist internal contradictions in the Status Report regarding the date of the alleged cash handover (04.04.2026 vis-à-vis 06.04.2026) and the quantum of cash involved (Rs. 31,00,000/-, Rs. 9,00,000/- and Rs. 14,00,000/- being variously mentioned at different stages), which render the money trail unreliable;

f) The principle of parity applies squarely, since co-accused Himanshu Thukral (Branch Manager) and Rakesh Roy (account facilitator) — whose roles are far more direct and proximate to the commission of the offence — have already been granted regular bail by this Court vide order dated 25.05.2026; and

g) The applicants have clean antecedents, are willing to furnish their addresses and mobile numbers, and undertake to join the investigation and abide by any conditions that may be imposed.

3.2. Per contra, Ld. Addl. PP for the State, relying upon the Status Report dated 02.06.2026 filed by the Investigating Officer, has opposed both applications on the following grounds:

a) The hotel's own reply confirms that the room in which the co-accused persons converged was booked in the name of Hitesh Dhakolia, and that the payments for the stay and for parking were made by Gurshan Singh — a fact independently verified from the hotel's business records and not dependent on any co-accused's say-so;

b) The CDRs of co-accused Karandeep corroborate that he and Sikandar visited the Bandhan Bank branch, withdrew the proceeds of crime, and thereafter delivered the same to the applicants at the said hotel;

c) Most significantly, chats recovered from co-accused Sonu Pal's device establish direct communication between Sonu Pal and each of the applicants, making specific reference to Bandhan Bank and to Sikandar, thereby corroborating, independently of any single co-accused's disclosure statement, that the applicants were aware of and complicit in the movement of the cheated funds;

d) Both applicants were served notices under Section 35(3) BNSS on 24.05.2026 directing them to join investigation on 26.05.2026, but neither appeared; a second notice affixed at Hitesh Dhakolia's disclosed address also went unanswered, and verification revealed that Gurshan Singh's family had vacated their native village address roughly two years prior — circumstances that, taken cumulatively, indicate a pattern of evasion rather than innocent non-availability; and

e) The investigation has reached a stage where the incriminating chats between the applicants and Sonu Pal lay the foundation for further lines of inquiry — including tracing of the funds deposited through Cash Deposit Machines and identification of further members of the syndicate — which custodial interrogation alone can meaningfully advance.

4. **CASE AND ARGUMENTS QUA ACCUSED SIKANDAR AZAM SAYYED**

4.1. Ld. Counsel for accused Sikandar Azam Sayyed has argued that the applicant is not named in the FIR; that no recovery has been effected from him; that the case against him rests only on circumstantial evidence, co-accused disclosure statements and CDR analysis of a third party (Karandeep), since the applicant himself was not found in possession of any mobile phone; that all documentary evidence is already in the possession of the Investigating Agency; that co-accused with more aggravated roles (Himanshu Thukral and Rakesh Roy) have already been released on regular bail, entitling the applicant to parity; that his first regular bail application under Section 480 BNSS was dismissed by the Ld. CJM vide order dated 08.06.2026, but that circumstances have not materially altered since; and that the applicant, being the sole breadwinner for his three unmarried sisters and a minor brother following the demise of his parents, deserves the indulgence of this Court on humanitarian considerations as well.

4.2. It was specifically urged that the applicant was merely an employee of co-accused Karan, acting under his instructions, and had no independent knowledge of or stake in the criminal conspiracy or the proceeds of crime.

4.3. Ld. Addl. PP, opposing the application, has submitted that the CCTV footage obtained from the Bandhan Bank, Shalimar Bagh Branch, clearly and independently shows the applicant, along with co-accused Karan, visiting the bank and collecting the proceeds of crime amounting to Rs. 14,00,000/- in cash; that this visual identification is corroborated, but not solely dependent upon, the CDRs and disclosure statement of co-accused Karandeep; that the applicant thereafter accompanied Karan to Kaveri Hotel, Greater Noida, and personally participated in delivering the cash to co-accused Hitesh Dhakolia and Gurshan Singh, retaining a commission of Rs. 30,000/- for himself; that the applicant was found to be deliberately avoiding possession of any mobile phone in his own name so as to evade detection through technical surveillance, which itself speaks to a calculated mind rather than innocence; that co-accused Gurshan Singh and Hitesh Dhakolia are yet to be arrested and, if the applicant is released at this stage, there exists a real and reasonable apprehension that he may alert or facilitate the absconsion of the said co-conspirators; and that the investigation qua the recovery of the balance proceeds of crime and the identification of further members of the syndicate is still at a nascent stage.

5. **OBSERVATIONS AND FINDINGS OF THE COURT**

5.1. I have heard learned counsel appearing for the respective applicants at considerable length, have heard learned Addl. PP for the State, and have carefully perused the FIR, the Status Reports filed at various stages, the hotel's reply under Section 94 BNSS, the chat transcripts recovered from co-accused Sonu Pal, the CDR analysis, and the record of proceedings including the common order dated 25.05.2026 granting regular bail to co-accused Himanshu Thukral and Rakesh Roy, and the order dated

08.06.2026 of the Ld. CJM dismissing the first regular bail application of accused Sikandar Azam Sayyed.

5.2. It is well settled that the gravity of an economic offence, by itself, cannot be the sole ground for refusal of bail, and that the Court is required to undertake a fact-specific inquiry into the actual role attributed to each accused, the nature and reliability of the evidence relied upon, the necessity of custodial interrogation, the antecedents of the accused, and the principle of parity with similarly or more seriously placed co-accused. Equally, it is well settled — and this Court is conscious of the observations of the Hon'ble Supreme Court in **Y.S. Jagan Mohan Reddy v. CBI** and **P. Chidambaram v. Directorate of Enforcement** — that offences involving organised financial fraud constitute a class apart, having deep and often cascading societal ramifications, and courts must guard against a mechanical application of ordinary bail principles in such matters, particularly at a stage when the investigation is yet to crystallise the full extent of the conspiracy.

5.3. **Qua Sikandar Azam Sayyed:** The argument that the applicant was 'merely an employee' of co-accused Karan, acting without knowledge or agency of his own, does not find support in the material on record and does not survive scrutiny at this stage. The CCTV footage obtained from the Bandhan Bank, Shalimar Bagh Branch independently — that is to say, without reliance upon any co-accused's disclosure statement — places the applicant at the scene of the collection of the proceeds of crime, in the company of co-accused Karan. A person discharging a wholly innocent errand at the behest of an employer would not ordinarily be found personally present at a bank collecting Rs. 14,00,000/- in cash out of admittedly cheated funds, nor would he thereafter be found personally delivering such cash to persons stationed at a hotel room specifically procured for the purpose. Additionally, the fact that the applicant was found to be deliberately not carrying or possessing any mobile phone registered in his own name is a matter of significance; ordinarily an innocent person has no reason to insulate himself from technical surveillance, and this conduct is more consistent with a calculated attempt to evade detection than with innocence. The plea of parity with Himanshu Thukral and Rakesh Roy also does not assist the applicant, since their roles, though undoubtedly serious, were confined to facilitation at the banking end and did not involve a personal, visually corroborated act of collecting and physically transporting the proceeds of crime to fellow conspirators. Furthermore, co-accused Gurshan Singh and Hitesh Dhakolia are yet to be arrested, and there exists a real and legitimate apprehension that the applicant, if enlarged on bail at this juncture, may alert, forewarn or otherwise facilitate the said co-accused in evading the process of investigation and arrest. For these cumulative reasons, and considering that the recovery of the balance proceeds of crime is yet to be effected and that investigation into the wider syndicate is at a critical stage, I am not persuaded that the applicant has made out a case for regular bail at this stage.

5.4. **Qua Hitesh Dhakolia and Gurshan Singh**: It is true, as urged by Ld. Counsel for the applicants, that neither applicant is named in the original FIR, and that the booking of a hotel room in the name of Hitesh Dhakolia, or the discharge of hotel and parking payments by Gurshan Singh through UPI, would, viewed in isolation, be capable of an innocent explanation — a friend booking a room, or one person paying a shared bill, is an unremarkable occurrence and does not by itself establish criminal complicity. This Court is, therefore, in agreement with the submission that these payment facts, <u>standing alone</u>, would not have been sufficient to justify the custodial interrogation of two accused persons, much less their arrest.

5.5. However, the matter does not rest there. The investigation has placed on record specific and particularised chat conversations recovered from the device of co-accused Sonu Pal — who is himself under arrest in the present case and whose device is, therefore, an independent source of evidence — reflecting direct communication between Sonu Pal and Hitesh Dhakolia, and separately between Sonu Pal and Gurshan Singh, in which specific and pointed reference is made to 'Bandhan Bank' and to the name 'Sikandar'. This is qualitatively different from a generic disclosure statement of a co-accused, which is always to be viewed with some caution; it is, instead, contemporaneous electronic communication recovered from a third accused's own device, referencing by name both the source bank of the cheated funds and the individual (Sikandar) who physically collected those funds. The convergence of this chat evidence with the hotel's independent business record — showing that all the relevant persons (Sonu Pal, Gurshan Singh, Sikandar and Karandeep) visited the very room booked in the name of Hitesh Dhakolia, at the very time proximate to the withdrawal of cash from Bandhan Bank — cannot, in the considered view of this Court, be dismissed as mere coincidence. Rather, it reflects a coordinated and purposive assembly of persons at a common location for the specific purpose of receiving and further layering the proceeds of a large-scale digital fraud.

5.6. Consequently, the true role attributed to Hitesh Dhakolia and Gurshan Singh is not confined to that of passive hosts who merely extended accommodation to Sikandar and Karan. The chat material, if it holds up to scrutiny, suggests that they were themselves in direct contact with another key operative of the syndicate (Sonu Pal) concerning the very bank account and the very individual involved in the physical collection of cash. This elevates their role from incidental facilitation to active participation in the conspiracy to siphon off the cheated amount. At this stage of the investigation, where the Investigating Officer is still required to trace the onward movement of funds deposited through Cash Deposit Machines, to identify further members of what is described as an international syndicate, and to test the veracity and completeness of the chat material by confronting the applicants with the same, I am of the view that custodial interrogation cannot be said to be unnecessary or a mere formality. The power of the Investigating Officer to seek and secure custodial interrogation in a matter of such magnitude — where the complainant has lost over two crore rupees through an elaborate law-enforcement impersonation fraud — cannot be lightly curtailed by this Court at the pre-arrest stage, particularly where the applicants have already failed to respond to two notices under Section 35(3) BNSS and one of them (Gurshan Singh) has been found to have an address that was vacated roughly two years ago, raising a reasonable apprehension of evasiveness rather than genuine unavailability.

5.7. The plea of parity with co-accused Himanshu Thukral and Rakesh Roy, while attractively framed, does not, in my view, advance the applicants' case to the extent contended. Parity is a rule of fairness and consistency, not a mechanical entitlement; it must yield where the nature of the evidence against the applicants seeking parity is qualitatively different from that against the co-accused already granted bail. Himanshu Thukral and Rakesh Roy were granted bail principally because the evidence against them was documentary and circumstantial in nature, already substantially collected, and because no further custodial interrogation was shown to be necessary qua them at that stage. In contrast, the case against the present applicants is anchored in electronic chat evidence that is yet to be fully investigated, tested and correlated with other material, and where the Investigating Officer has specifically averred that custodial confrontation is necessary to unearth the complete conspiracy and trace the onward money trail. The two situations are not, therefore, on the same footing.

5.8. I am mindful that anticipatory bail is a valuable safeguard of personal liberty under Article 21 of the Constitution, and that the law laid down in **Gurbaksh Singh Sibbia v. State of Punjab** and **Sushila Aggarwal v. State (NCT of Delhi)** mandates a liberal and case-specific approach, and that seriousness of allegation alone can never be a substitute for individualised reasoning. It is precisely such an individualised, fact-specific inquiry that has led me to the conclusion recorded above — namely, that the specific and corroborated chat evidence recovered from a separately arrested co-accused, taken together with the hotel's own business records showing a coordinated assembly of conspirators, discloses a role for the present applicants that goes beyond innocent accommodation and touches the core of the money-laundering exercise under investigation. This is not, therefore, a case of arrest being sought merely on the ground of the seriousness of the offence or on the strength of a co-accused's bare disclosure statement; it is a case where independent electronic evidence recovered from a third source has, at least prima facie, implicated the applicants directly.

6. **CONCLUSION**

6.1. For the detailed reasons recorded hereinabove, this Court finds no merit in any of the three applications under consideration. The argument advanced on behalf of accused Sikandar Azam Sayyed that he was merely an employee of co-accused Karan does not inspire confidence and is rejected, given his visual identification on bank CCTV, his deliberate avoidance of a personal mobile device, and his receipt of a personal commission from the proceeds of crime. Similarly, the anticipatory bail applications of Hitesh Dhakolia and Gurshan Singh cannot be allowed, as the incriminating chats recovered from co-accused Sonu Pal, read with the independent hotel records, disclose a role for the applicants that extends beyond the mere provision of accommodation and may require custodial interrogation for a complete and fair investigation.

7. **ORDER**

7.1. The anticipatory bail application filed on behalf of accused Hitesh Dhakolia under Section 482 BNSS is hereby **DISMISSED**.

7.2. The anticipatory bail application filed on behalf of accused Gurshan Singh under Section 482 BNSS is hereby **DISMISSED**.

7.3. The regular bail application filed on behalf of accused Sikandar Azam Sayyed under Section 483 BNSS is hereby **DISMISSED**.

7.4. Nothing observed hereinabove shall be construed as an expression of final opinion on the merits of the case, and the Trial Court shall decide the matter uninfluenced by any observation made herein, which is confined strictly to the disposal of the present bail applications.

7.5. Copy of this order be given dasti to learned counsel for the parties.

7.6. A copy be also sent to the Investigating Officer, P.S. Special Cell/IFSO, Delhi, and to the Jail Superintendent concerned for information and necessary compliance.

SAURABH PARTAP SINGH LALER
Digitally signed by SAURABH PARTAP SINGH LALER
Date: 2026.07.02 16:51:08 +0530

**(SAURABH PARTAP SINGH LALER)**
**Additional Sessions Judge-05**
**New Delhi District, Patiala House Courts**
**02.07.2026**