Bail Matter No. 634/2026
Bijender Lather Vs. State
FIR No. 59/2019
PS EOW
U/s. 406/420/120-B IPC

27.04.2026

**This is an application under Section 483 BNSS for grant of regular bail moved on behalf of the accused / applicant namely Bijender Lather.**

Present: Sh. Vineet Dahiya, Ld. Substitute Addl. PP for the State.
None for the accused / applicant.

Detailed arguments have already been heard on behalf of the accused which were rebutted by the Ld. Addl. PP for the State, who was duly assisted by the Ld. Counsel for the complainant.

**<u>Brief facts:</u>**

1. The present FIR was registered on the basis of complainant Ms. Suman Solanki and Ors., disclosing several facts pertaining to one residential project titled as "PDM HI-Tech Homes" at sector-3A Bahardur Garh Haryana, which was developed by accused no. 6 M/s Prabhu Shanti Real Estate Pvt. Ltd. The said project was spread over approximately 8.976 acres, comprising more than 435 flats across 7 towers. The complainant also invested her life savings in the said project, but despite

repeated follow ups possession was not delivered, rather, accused persons started avoiding home buyers and also extended threats to them.

**Arguments on behalf of applicant/accused**

2. It was argued by the Ld. counsel for the accused / applicant that chargesheet has already been filed on 29.04.2022 without the arrest of the applicant. It was further contended by the Ld. Counsel for the accused / applicant that the accused /applicant duly cooperated m the investigation for 18 times, but he was not arrested as his custodial interrogation was not required. It was further argued by the Ld. Counsel for the accused / applicant that against the proceedings under section 82 Cr.P.C against the petitioner/applicant the applicant approached the Hon'ble High Court for cancellation of the same. But the said petition was dismissed, thereafter, the applicant / accused locked the doors of the Hon'ble Apex court and vide order dated 01.10.2024, the Hon'ble Supreme court quashed the proceeding under section 82 Cr.P.C. against the accused / applicant.

It has been further stated that in the said order, inter alia it was ordered that, "the petitioner shall appear before the the court concerned and seek bail in accordance with law, if the same is required." It was contended by the counsel for the accused / applicant that in pursuance of the same, he appeared before the Ld. Trial court and furnished the bail bond under section 88 Cr,.P.C but the Ld. trial court asked the applicant / accused to move a proper application for bail, which was dismissed, by the



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Ld. Trial court vide its order dated 17.03.2026. It was contended by the Ld. Counsel for the accused/ applicant when the Hon'ble Apex court has already observed in its order dated 01.10.2024 that the petitioner shall appear before the court concerned and seek bail, if the same is required therefore as such no application for bail was required as the interpretation of the said order is clear from its wordings.

It is further argued that the investigation has already been completed and chargesheet has been filed. Therefore, the prayer has been made to allow the above said application.

**<u>Arguments on behalf of State</u>**

3. Per contra, Ld. App who was duly assisted by the counsel for the complainant argued that for 5 times, NBWs were issued against the accused / applicant and thereafter, accused / applicant was declared proclaimed offence by the Ld. Trial court vide order dated 12.10.2021, thereafter, the petitioner approached the Hon'ble High Court modified the declaration to, proclaimed person" vide impugned order dated 28.02.2023. Thereafter the applicant / accused again approached the Hon'ble high court seeking quashing of the above said orders of the Ld. Trial court, but the Hon'ble High Court dismissed the said petition of the accused / applicant vide order dated 14.03.2024.

It was further argued that after that the accused / applicant approached the Hon'ble Apex court and the Hon'ble Apex court quashed the proceedings initiated under Section 82 Cr.P.C. against the accused / applicant with direction that he shall appear before the court and will seek bail in accordance with law. It was further contended by the Ld. Addl. PP that when the accused / applicant moved an application for granting bail the said application was dismissed by the Ld. Trial Court. It was further contended that the accused/applicant is misinterpreting the observation of the Hon'ble Apex court that as such no bail application was required by the accused / applicant.

It was further contended that investigation is still pending and in fact, due to the conduct of the accused persons and their non cooperation the investigation of the matter has already been delayed, as observed by the Hon'ble Apex court as well.

4. Arguments heard. Trial Record perused.

5. At first, it is relevant to mention here that the Ld. Counsel for the accused / applicant did not argue the matter on merits, rather, he basically argued on the basis of order dated 01.10.2024. Therefore it is pertinent to reproduce the relevant portion of the said order as under:-

> *"We have been informed at the bar that the petitioner had to appear before the Trial court and his non-appearances have already delayed the trial. We make it clear that the petitioner shall appear on every date before the Trial court, where the trial shall proceed in the matter with the letter and spirit of Section 309 Cr.P.C. and as far as possible conduct trial on a day to day*



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*basis.*

*Meanwhile, the petitioner shall appear before the court concerned and seek bail in accordance with law, if the same is required. But since the petitioner is now cooperating with the investigation the proceedings initiated against the petitioner under section 82 Cr.P.C. are hereby quashed.*

*We make it absolutely clear that this order is subject to the petitioner's cooperation in the on going trial and subject to what we have already stated above, the Trial court would always be at liberty to take appropriate measures in case the petitioner attempts to delay the trial."*

From the above said order, it is evident that the Hon'ble Apex court consciously made the observations that "the petitioner (who is applicant/accused), shall appear before ld. Trial court and seek bail in accordance with law, if same is required. Otherwise, the said observation were not required at all, therefore, it is clear from the above-said order that the Hon'ble Apex Court did not explicitly grant bail to the applicant/ accused. The applicant/accused is the promoter/Director of accused company since inception. As per the case of prosecution, the accused company took a loan of Rs.25 crore for the project and the accused misappropriated Rs.20.70 crore with malafide intention to invest in some other project. The State has relied upon the findings of Forensic Audit Report during insolvency proceeding before NCLT which corroborates the diversion of funds, bogus invoices, statutory default and structural deviation.

6. It is well settled that economic offences constitute a class apart and are required to be viewed seriously. In **Y.S. Jagan Mohan Reddy v. Central Bureau of Investigation, (2013) 7 SCC 439, the Hon'ble Apex Court** observed:

> *"34. Economic offences constitute a class apart and need to be visited with a different approach in the matter of bail. The economic offences having deep rooted conspiracies and involving huge loss of public funds need to be viewed seriously and considered as grave offences affecting the economy of the country as a whole and thereby posing serious threat to the financial health of the country."*

7. Further, in State of **Gujarat vs. Mohanlal Jitamalji Porwal and Anr., (1987) 2 SCC 364, the Hon'ble Apex Court** observed:

> *"5. The entire Community is aggrieved if the economic offenders who ruin the economy of the State are not brought to book. A murder may be committed in the heat of moment upon passions being aroused. An economic offence is committed with cool calculation and deliberate design with an eye on personal profit regardless of the consequence to the Community. A disregard for the interest of the Community can be manifested only at the cost of forfeiting the trust and faith of the Community in the system to administer justice in an even handed manner without fear of criticism from the quarters which view white collar crimes with a permissive eye unmindful of the damage done to the national economy and national interest.."*

8. Apart from the above, as per the prosecution case the accused persons continued collecting money from home buyers from 2007 to 2017 even when they were simultaneously defaulting on loans taken for the project, which created multiple encumbrances over the project land and the receivables from home buyers. Prima facie, such conduct reflects dishonest intention, as it seems that the accused persons were not having

sufficient financial resources to construct the project and funds collated and meant for completing the project were not fully utilized for that purpose, which formed the basis for this court to take the cognizance of the offence of cheating and criminal breach of trust. Further, it is pertinent to note here that the conduct of the applicant/accused has remained non-cooperative, which led to issuance of process under Section 82 Cr.P.C.

9. Further, the allegations relate to financial transactions and diversion of funds through multiple entities and the investigating agency has stated that further investigation under section 173(8) Cr.P.C. is still in progress, particularly with regard to tracing the remaining money trail and identifying the beneficiaries of the diverted funds. It has also been submitted that 16 additional complaints have recently been received, which are presently under examination.

10. Considering the above-discussed proposition of law and having regard to the gravity of the offence, magnitude of the alleged financial transactions, the involvement of 108 victims and the prima facie material placed on record indicating diversion of funds, this Court is of the view that if the applicant/accused is enlarged on bail at this stage, their exists a reasonable apprehension that the same may adversely impact the fair conduct of the trial and may also result in tampering with the evidence or influencing the witnesses, many of whom are investors in the project. Accordingly, the application stands


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dismissed.

Application stands disposed off.

11. *It is clarified that nothing stated herein shall tantamount to an expression of opinion on the merits of the case.*

12. Copy of the order be given *dasti* to the Ld. Counsel for the applicant as well as be sent to concerned IO, concerned Jail Superintendent, Ld. Secretary, DLSA (North), through all possible modes, as per rules.

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**(VANDANA)**
**Addl. Sessions Judge-02(North)**
**Rohini Courts Delhi**
**27.04.2026**