09.06.2026

At 5:00 PM.

Present: Ld. Addl. PP for State.
Ld. Counsel Sh. Pawan Kumar Yadav for applicant/ accused through VC.

1. **Present application u/s 483 BNSS has been moved seeking regular bail for the applicant / accused Deepak Dharamveer Sharma.**

2. Ld. Counsel for the applicant has submitted that no similar application is pending before any other court.

3. Reply has already been filed and copy thereof supplied

4. Ld. Counsel for the accused argued on the lines of bail application. During the course of arguments, ld. Counsel has prayed bail on the following grounds:

(a) that the applicant has been falsely implicated in the present case despite there being no material whatsoever to establish any dishonest intention, criminal conspiracy, entrustment, misappropriation, or inducement on his part. It is further stated that applicant himself is a victim of the fraudulent acts allegedly committed by the principal co-accused, namely Naveen Maan @ Shamsher and others, who misused the applicant's firm's documents, invoices, books of accounts and banking channels without his knowledge or consent.

(b) that the applicant was arrested in the present FIR on 06.05.2026 and he has fully cooperated with the investigation and he is no longer required for any further custodial interrogation.

(c) that the prosecution case, even if accepted on its face value, discloses a dispute arising out of alleged commercial transactions between business entities. The entire case rests upon documentary evidence, banking transactions, invoices and records, all of which are already in possession of the investigating agency. No recovery remains to be effected from the applicant and no useful purpose would be served by his continued incarceration.

(d) that the applicant is a permanent resident of Boisar, District Palghar, Maharashtra and he belongs to a respectable family and he is the sole earning member responsible for maintaining his wife, minor children and dependent family members.

(e) that the applicant has established a paper tube and paper products manufacturing firm in the name and style of M/s Vashisht Paper Products, situated at Boisar, District Thane, Maharashtra-401401. In the year 2017, the applicant was introduced to Naveen Maan (co-accused) through a common acquaintance Kunal Sharma. The co-accused Naveen Maan represented himself to be well-versed with business operations and introduced several clients. Relying upon such representations to be true and correct, the applicant informally inducted him in the capacity of a manager in his firm. Taking undue advantage of the trust reposed in him, Naveen Maan falsely projected the applicant's firm as his own, approached the complainant company for logistics services, and also floated another entity in the name and style of "Pooja Trading", which similarly availed logistics services, all without the Applicant's knowledge or consent. All this went unnoticed for a long period of time. The co-accused misused his books of accounts too which went unnoticed by the Applicant for long. The Applicant, being wholly unaware of the aforesaid acts and misrepresentations, was himself a victim of the conduct of the co-accused Naveen Maan. After discovering that the Applicant's bank accounts, books of accounts and invoices had been misused by the said co-accused without his knowledge or consent, applicant immediately confronted him and demanded that the irregularities be rectified forthwith and that all liabilities be cleared, ensuring that the Applicant was not dragged in any manner. In order to temporarily resolve the situation and mitigate the dispute, the co-accused transferred certain amounts into the bank accounts of the applicant, which were thereafter remitted by the applicant to the complainant company. Pursuant thereto, the applicant transferred an aggregate sum of Rs. 2.26 Crores to the complainant company.

(f) that in June, 2023, the applicant informed the complainant company through its representative about the ongoing illegalities being committed by the co-accused Naveen Mann and others. The complainant company after couple of months files a complaint in PS EOW seeking action against the Naveen Mann and others and also dragged the applicant notwithstanding that he himself is victim along with them. When the local police station declined to register FIR, the complainant approached the Ld. CJM, under section 156(3) CrPC and got the present FIR registered.

(g) that on 19.12.2023, the Applicant received summons to join investigation in another FIR No. 11200051232585/2023, PS Dungara, District Vapi, Gujarat. The Applicant joined the investigation along with other accused, however, he was arrested and remanded to judicial custody. While being in custody, the applicant was arrested in other FIR's also. The Applicant remained in continuous judicial custody in multiple connected FIRs from 19.12.2023 to 24.12.2024 and has been granted bail in all such cases, including by the Hon'ble Bombay High Court vide order dated 20.12.2024.

(h) that the present criminal proceedings are a gross abuse of the process of law, initiated with the sole intent of giving a purely civil dispute the colour of criminality so as to exert undue pressure upon the applicant for alleged recovery of dues.

(i) that it is an admitted fact of the complainant itself that one Shamsher @ Naveen Kumar Maan was the person who approached and was introduced to the complainant company. The present applicant neither approached the complainant company nor initiated negotiations, and never made representations, or induced the complainant at any stage.

(j) that three notice(s) were sent for service at a time when the applicant was in judicial custody. The applicant became aware of after the third notice after release from custody on 24.12.2024. The applicant's counsel coordinated with the IO and paid visit to the office of EOW and met the IO and explained all the facts. The IO assured that he will examine all the aspects and would call the applicant if needed. It is a fact that subsequently he was not called. It is further stated that in the end of January 2025, applicant returned to and resumed residence at his permanent address at Boisar, Maharashtra. However, no notice has been received by the applicant to Join investigation neither any police officer visited this premises. On 04.10.2025, Non-Bailable Warrants were issued against the applicant which remained unexecuted. On 03.12.2025, Police Officers visited the residence of the Applicant and pasted court notice relating to proclamation proceedings being initiated against him. Since the applicant's residence was undergoing temporary renovation work during said period, he was residing in another property bearing no. "Row House No. D5, Rooprajat Park, Sector 4, BOISAR-Chillar Road, Boisar East, District Palghar. Only on enquiring from the workers present at his residence and from the CCTV footage and the notice being pasted by the Police Officers, Applicant became aware of the present FIR and the proceedings emanating out of this FIR. Prior to this, the Applicant had no knowledge about the same. The applicant filed the anticipatory bail which was dismissed by the Ld. Sessions Judge vide order dated 15.12.2025. Hence, being aggrieved by the order dated 15.12.2025, the Applicant has approached the Hon'ble High Court of Delhi on 08.01.2026. The first hearing took place on 09.01.2026. The 1.O. was present during the hearing. However, IO had moved application before the Court of Ld. CJM for declaring the applicant as proclaimed offender and he was declared absconder on 14.01.2026 despite his appearance through VC before the Court of Ld. CJM.

(k) that the anticipatory bail application of the Applicant was dismissed by the Hon'ble High Court of Delhi vide order dated 25.04.2026.

(l) that during the period of police custody remand in the present matter, the Investigating Officer did not carry out any fresh or substantive interrogation qua the Applicant with respect to independent aspects of the alleged offence, and the investigation was substantially confined to verification and examination of already seized documents and other legal aspects already available on record and during custody, the applicant cooperated and helped the I.O. in understanding the true and correct facts and answered all quires.

(m) that the IO forced and compelled, by adopting illegal measures, to make the applicant sign blank sheets/pages as well as pre-drafted documents, contents of which were not permitted to be read nor explained but was made to sign. No disclosure statement was given by him. No recovery was effected. The applicant has retreated from his statement and has filed application under Section 94 of BNSS, 2023 seeking preservation of CCTV footages to being the truth on record.

(n) that the allegation of non-cooperation is patently false and contrary to record. The status report wrongly records that service of notice upon the applicant on 19.12.2024, whereas the applicant was admittedly in judicial custody on that date.

(o) that the applicant was never served with any notice under

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Section 41A Cr.P.C. He became aware of the 3rd notice subsequently for which his family acted as per legal advice. Earlier he was not aware about the registration of the present FIR or called upon to join the investigation at any stage, and therefore the allegation of absconding or deliberate evasion is wholly misconceived.

(p) that the issuance of Non-Bailable Warrants vide order dated 04.10.2025 and the subsequent initiation of proceedings under Section 82 Cr.P.C. are illegal, premature and in violation of settled procedure. The mandatory requirements regarding service and satisfaction of willful abscondence were not fulfilled.

(q) that criminal law cannot be used as a tool for recovery of alleged commercial dues, and continuation of coercive criminal proceedings in such cases amounts to abuse of the process of law, warranting interference by this Court.

(r) that the offences alleged against the applicant under Sections 406, 420 and 120-B IPC are punishable with a maximum sentence of seven years' imprisonment. The present case, therefore, squarely falls within the parameters laid down by the Hon'ble Supreme Court in ***Satender Kumar Antil v. Central Bureau of Investigation, (2022) 10 SCC 51***, wherein it has been categorically held that in offences punishable up to seven years, arrest should be an exception and not the rule, and that compliance with Sections 41 and 41A Cr.P.C. is mandatory.

(s) that the applicant's consistent conduct establishes that he is neither a flight risk nor likely to misuse liberty, and therefore, the continuation of coercive proceedings is wholly unjustified.

(t) that the present applicant is not alleged to have concealed his identity, forged any document, or impersonated any person. Allegations regarding identity concealment pertain solely to another accused and cannot be mechanically extended to the present Applicant.

(u) that the complainant has consciously chosen not to invoke civil remedies such as recovery proceedings, arbitration, insolvency remedies, and has instead rushed to criminal authorities, which clearly demonstrates mala fide intent.

(v) that it is well settled that criminal proceedings cannot be used as a tool for arm-twisting or debt recovery, particularly in commercial transactions between business entities.

(w) that the entire case is based on documents, invoices, and bank records, all of which are already in possession of the prosecution.

(x) It is submitted that it is apparent from the FIR that it is the applicant who informed the complainant company. It is further submitted that applicant has been falsely implicated merely on account of alleged business dealings, which actually he has not dealt with but other accused have carried out on basis of stolen bills. There is no allegation of dishonest inducement at inception, entrustment, misappropriation or conspiracy. The bills of petitioner firm are misused. Substantial payments amounting to approximately Rs. 2.26 crores were transferred to the applicant by the co-accused and in return the applicant/ Accused transferred this amount to the complainant company. The alleged transactions were conducted through banking channels and invoices but without the knowledge and consent of the applicant who himself is a victim of these financial mess created by co-accused who at a point of time were known to him.

5. During arguments, Ld. Counsel for the applicant/accused also filed certain additional documents and claimed that applicant has independent business transaction with Shree Ganesh and he received payments from Shree Ganesh Transport and placed reliance upon copy of receipt summary and copy of ledger account.

5. Ld. Counsel for the applicant has relied upon a judgment tilted s Sushil Sethi & Anr. Vs. The State of Arunachal Pradesh & Ors. Crl. Appeal No. 125 of 2020 (Arising from SLP(Crl.) No. 590 of 2019).

6. Ld. Additional PP assisted by the IO and Ld. Counsel for complainant strongly opposed the bail application on the ground of gravity of offence and IO has filed detailed reply to oppose the bail application. The contents of the reply are not reproduced here for the sake of brevity.

7. Ld. Additional PP has submitted that the accused is the prime person involved in the alleged conspiracy. It is further submitted that the accused is a habitual offender having involvement in multiple FIRs having a similar modus operandi. It is further submitted that investigation indicates that the accused has no genuine business and he has siphoned off funds among himself and his associates. It is further submitted that as soon as amounts were credited to their bank accounts, the accused immediately siphoned off the money, including withdrawals in cash. It is further submitted that all the accused persons are interlinked and have rotated the funds among themselves. It is further submitted that the complainant provided invoices detailing vehicles used, which were acknowledged by the accused persons and on verification, it was found that some vehicle registration numbers listed in the invoices corresponded to two-wheelers or motorcycles, which are incapable of carrying loads ranging from 40 to 54 tons, making such claims impossible.

8. Ld. Additional PP further submitted that in view of the serious

nature of allegations, huge amount involved, organized manner of cheating, misuse of multiple bank accounts and fake firms, as well as the possibility of influencing witnesses, tampering with evidence and absconding, the present bail petition is strongly opposed.

9. Submissions heard. Record perused.

10. Brief facts, as per the reply of IO are that the complainant company, Tiranga Logistics Private Limited, having office at Netaji Subhash Place, Delhi, operates a fleet of 412 commercial transport vehicles and is engaged in the business of transportation. One Mr. Shamsher @ Naveen Mann, proprietor of Pooja Trading Company, approached complainant company and represented that he and his associates namely Deepak Dharamveer Sharma and others were in the business of paper trading and other services, for which they required transportation services. Shamsher also told that he was associated with Mr. Deepak Dharamveer Sharma, proprietor of Vashishat Paper Products and Om Sai Traders, and introduced Ganesh @Anna as a local transporter working under the names Shree Ganapati Transport and Shree Ganesh Transport. After several rounds of meetings, complainant company agreed to provide transportation services. The complainant company provided transportation services amounting to Rs. 19.41 crore, but the accused persons made payment of Rs. 6.85 crore only, leaving a balance of Rs. 12.51 crore amount. The complainant company approached the Court for FIR registration U/s 156.3 Cr.P.C., and on 05.09.2023, the

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Court ordered for registration of an FIR. During investigation, it was found that no written agreement was executed between the parties and all terms were agreed orally. The complainant provided invoices detailing vehicles used. On verification, it was found that some vehicle registration numbers listed in the invoices corresponded to two-wheelers or motorcycles, which are incapable of carrying loads ranging from 40 to 54 tons.

11. It is well settled that the courts are required to adopt a stricter approach while considering bail in economic offences, particularly where the offence involves affecting the public at large. The Hon'ble Supreme Court in the case of ***Rakesh Mittal vs. Ajay Pal Gupta @ Sonu Chaudhary and Anr, 2026 INSC 161*** has observed as under:

> *"19. Though the observations made in some of the above cases were in the context of heinous offences, which is not the case presently, we may note that the value of life and liberty of members of society is not limited only to their "person" but would also extend to the quality of their life, including their economic well-being. In offences of a pecuniary nature, where innocent people are cheated of their hard-earned monies by conmen, who make it their life's pursuit to exploit and feast upon the gullibility of others, the aforestated factors must necessarily be weighed while dealing with the alleged offenders' pleas for grant of bail."*

12. In the present case, the material collected during investigation prima facie discloses a well thought out plan involving the present accused, the absconding co-accused and other associates for inducing the complainant to provide logistics transportation services through dubious business entities and also by hiring dubious local transport of co-accused,

without actual movement and possibility of GST related fraud as well as evasion of taxes. The allegations in the present case disclose a systematic modus operandi involving fictitious business concerns, use of associates for inducing transporters to provide services, routing of funds through connected entities and subsequent default.

13. The invoices were admittedly raised from the firm of the present accused and the money trail revealed during investigation lends support to the prosecution case.

14. The plea that the co-accused alone was operating the business and kept the accused in dark is a matter of defence to be established during trial and cannot be conclusively accepted at this stage. The investigation further indicates involvement of multiple entities, many being possibly fake, fake vehicles and suspicious financial transactions. Other accused are yet to be apprehended.

15. The apparent fraudulent scheme from inception, use of fake entities, financial trail connecting the accused's firm, and the absconding co-accused, these factors make the case considerably of a deep-seated participation in crime at large level, beyond State boundaries, than an ordinary business-payment dispute.

16. It is placed on record that the applicant is involved in multiple criminal cases registered in different States involving allegations of a

similar nature. The existence of several cases founded on similar allegations *prima-facie* suggests a recurring pattern of conduct and diminishes the force of the contention that the present dispute is merely a civil or commercial disagreement. The record *prima facie* reveals that transportation services worth approximately Rs. 19 crores were provided pursuant to representations made by the accused persons and entities associated with them. Despite receipt of such services, a substantial part of the amount allegedly remains unpaid. The investigation further indicates that more than Rs. 12 crores were received by the accused from sources linked to the accused side, including approximately Rs. 6 crores credited to the personal account of the accused. According to the applicant, he subsequently paid Rs. 2 crores to the complainant. However, at this stage, no satisfactory explanation emerges as to why such enormous sums were transferred by co-accused Shree Ganesh Transport and other connected entities into the firm's accounts and personal accounts of the applicant if the applicant had no role in the transactions and was merely an innocent proprietor whose affairs were being independently managed by the absconding co-accused. A particularly damaging circumstance, as supported by the investigating material, is not merely that money moved through the accused's firm, but that large sums allegedly moved through both the firm's accounts and account personally connected with the accused without any satisfactory business explanation.

17. The involvement of the applicant in other cases of similar nature

raises a reasonable apprehension that, if released on bail, he may engage in similar activities, influence witnesses connected with the business transactions or impede the course of justice. One of the principal co-accused and other accused remains absconding.

18. The investigation has revealed transactions extending beyond the territorial limits of this State and involving multiple entities. In such circumstances, the criminal antecedents of the applicant assume greater significance while assessing the likelihood of his availability for trial and the possibility of repetition of similar offences.

19. The accused in his application seeks to portray himself as a victim of the acts of the absconding co-accused. However, the material collected during investigation prima facie indicates that substantial amounts arising from the transactions were credited to the personal account of the applicant. The applicant has not furnished any satisfactory explanation, at this stage, as to why such funds were routed through his business and personal account. Equally significant is the fact that some payments were subsequently made by the applicant to the complainant after disputes arose and there was threat of Complainant approaching police. Prima facie, such conduct is inconsistent with the plea that the applicant had no connection with the transactions and was unaware of the activities of the co-accused. The defence that the co-accused alone was responsible for the business affairs does not prima facie explain (i) the generation of invoices from the applicant's firm, (ii) the movement of

substantial funds through accounts connected with the applicant, (iii) the payments admittedly made by the applicant after the dispute surfaced, and (iv) the absence of any contemporaneous complaint by the applicant alleging unauthorized operation of his business, books of account or banking channels by the co-accused.

20. Investigation has not yet satisfactorily explained the ultimate destination and utilization of substantial funds routed through the various entities. The unexplained flow of money assumes significance in light of the allegation that several business concerns and transportation arrangements were fictitious. The financial trail, therefore, constitutes an important incriminating circumstance requiring further scrutiny during trial. Though the Court refrains from commenting on the merits of other pending criminal cases, the material placed on record indicates that the applicant is facing multiple prosecutions in different States involving substantially similar allegations. Such antecedents are a relevant factor while assessing the likelihood of repetition of similar offences and the overall conduct of the applicant.

21. Considering the magnitude of the alleged fraud, the use of multiple entities, the substantial unpaid liability despite delivery of transport services worth approximately Rs. 19 crores, the unexplained transfer of huge sums through accounts connected with the applicant, the incomplete tracing of the money trail, the absconding co-accused, and the applicant's involvement in other cases of a similar nature, this Court finds

that a strong prima facie case exists against the applicant. These circumstances require detailed examination during trial. The investigation also indicates that the complete money trail is yet to be unravelled and the ultimate destination of a substantial part of the funds remains under scrutiny. Considering the nature of allegations, the financial transactions involved, the antecedents of the applicant and the absconding status of a co-accused, this Court is not persuaded that the applicant deserves the discretionary relief of bail. No ground is made out for grant of bail and hence, bail application is dismissed.

22. Observation made herein above shall not affect the merits of this case in any manner.

23. **Application stands disposed off.**

(MUNEESH GARG)
ASJ-03 (NORTH-WEST)
ROHINI COURTS
DELHI/09.06.2026

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