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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 22.04.2025

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BAIL APPLN. 1406/2024 & CRL.M.(BAIL) 677/2024 (for interim bail)

MANU WAHDWA @ MOHIT

.....Petitioner

Through: Mr. Hirein Sharma, Advocate

versus

THE STATE, GOVT. OF NCT OF DELHI

.....Respondent

Through: Mr. Nawal Kishore Jha, APP for the
State with IO/Inspr. Vijay Pal, PS
EOWMr. Abhimanyu Sharma, Advocate
for complainant *de facto* (through
videoconferencing)**CORAM: JUSTICE GIRISH KATHPALIA****JUDGMENT (ORAL)**

1. In furtherance of last order of the predecessor bench, it is stated by learned counsel for complainant *de facto* at the outset that the accused/applicant has not paid a single penny after December 2024 despite previous repeated opportunities granted by predecessor benches and even despite the settlement recorded before the mediation centre. In these circumstances, learned counsel for accused/applicant fairly admits that the matter may be heard on merits. Accordingly, I have heard learned counsel for both sides.



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2. Briefly stated, circumstances relevant for the present purposes are as follows.

2.1 The FIR was registered on complaint lodged by the complainant *de facto* Ms. Gurpreet Kaur Rai, alleging that she and her children namely, Navjeet Kaur Rai, Jaspreet Kaur Rai and Karanbir Singh Rai were cheated of Rs.5,63,37,090/- by the accused/applicant and his associates.

2.2 As per complainant *de facto*, all parties were disciples of a religious preacher and used to attend the religious congregations in a temple at Chhatarpur. In the month of August 2017, the complainant *de facto* attended the congregation of their religious preacher at the residence of the accused/applicant, after which they started regularly attending the congregations whenever invited by the accused/applicant.

2.3 In one of those congregations, when the complainant *de facto* was sitting quietly, concerned about the job of her son, the accused/ applicant and his associates called her personally by name and announced that they were aware about her problems and they had been sent by the religious preacher to solve the same. The accused/applicant also assured the complainant *de facto* that he would ensure that her son gets a job in Dubai with the blessings of the preacher. The complainant *de facto* trusted the assurance advanced by the accused/applicant.

2.4 In the next congregation, the complainant *de facto* took along her son and her daughter to whom the accused/applicant assured that they had



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already started working on the problem and would very soon need her son's documents including the latest CV, Income Tax Returns and passport size photographs to arrange a job in Dubai. Thereafter, the complainant *de facto* and her children started regularly visiting the congregations every week.

2.5 In one such congregation, the accused/applicant told the complainant *de facto* that merely by a job, her son would not become rich and in case she wanted him to get rich, the accused persons had a scheme in which if invested money, they would earn substantial interest every month. In this manner, the accused/applicant gained confidence of the complainant *de facto*, also telling her that the investments were with the blessings and inspiration of the religious preacher, who would ensure that she is not harmed.

2.6 At this stage, it is made clear that the specific name and title of the said religious preacher is not being mentioned here, but suffice it to record that in view of mass following of that preacher, it is not unbelievable that the complainant *de facto* would have got carried away and induced.

2.7 In this background, the accused persons told the complainant *de facto* that she would have to invest some payments through bank account and some payments in cash. The accused persons also told the complainant *de facto* that they would keep proposing different plans and it would be her choice to invest or not. The accused/applicant made her believe that he and his associates had been sent by the religious preacher in her life to solve her problems.



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2.8 Believing the accused/applicant, for the first time in September 2017 the complainant *de facto* gave to the accused/applicant a sum of Rs.24,00,000/- out of which Rs.8,50,000/- was in cash, and after that the accused persons made her believe that it was a wise decision to earn money through investments instead of seeking a job for her son. Again in the month of October 2017, the accused/applicant told her to invest in another scheme and convinced her in the name of their religious preacher, so her daughter Navjeet Kaur handed over cash Rs. 5,00,000/- to co-accused Rozy Wadhwa.

2.9 In December 2017, the accused/applicant came up with yet another investment scheme, offering better and faster earnings, but the complainant *de facto* was not fully convinced as returns of the earlier investments had not reached her, to which the accused/applicant again convinced her in the name of the religious preacher and assured her the returns within one week. The complainant *de facto* got convinced in the name of their religious preacher and paid Rs.8,00,000/- to the accused/applicant. In the same month, the accused/applicant lost his mother and appeared upset. In January 2018, the accused/applicant called the complainant *de facto* on stage during the congregation and introduced her to the congregation as his mother, thereby gaining more confidence in the name of religious preacher.

2.10 In this manner, the accused/applicant repeatedly collected substantial money from complainant *de facto* in the name of their religious preacher. The complainant *de facto* was induced to even sell away her maternal property at Chandigarh and hand over money to the accused/applicant for



being invested in their religious preacher's congregation at Dubai, on assurance that she would be made a silent partner in Dubai business and would share profits. In order to gain confidence, the accused/applicant would address the complainant *de facto* as *Maa* and would make her daughters tie him Rakhi.

2.11 In the month of September 2018, the accused persons invited the complainant *de facto* to a birthday party at Radisson Blue Hotel, where they found about 100-120 persons present and the accused persons projected a few plans for investment, assuring a guarantee of double profits within two years. The complainant *de facto* and her family again invested Rs.56,00,000/- in the Global Money Basket, of which the accused persons were directors and they promised to pay Rs.1,12,00,000/- within a period of two years.

2.12 Even thereafter, the complainant *de facto* and her children continued to pay money to the accused persons across a period of about two years with the hope of earning profits, as they trusted the accused/applicant in the name of their religious preacher.

2.13 Thereafter in October 2020, the complainant *de facto* and her children visited the house of the accused persons, requesting for a sum of Rs.2,00,00,000/- which they had paid to the accused persons, but now had to return the same from whom they arranged the money, but the accused persons stated that the money had been invested in Dubai and it would take some time to liquidate the money.



2.14 Thereafter, the accused persons kept assuring the complainant *de facto* and her children to pay back, but did not adhere to their assurances. In this process also, the accused/applicant would make the complainant *de facto* emotional, addressing her as his mother and also assuring her in the name of their religious preacher.

2.15 The complainant *de facto* and her children on realising that they had been cheated by the accused persons, lodged complaint, which was registered as FIR.

3. Learned counsel for the accused/applicant submits that on the basis of mediation settlement, the accused/applicant has already paid back a sum of Rs. 96,00,000/- to the complainant *de facto*, though he also admits that after December 2024, no money was paid. Learned counsel for the accused/applicant also contends that the only offence alleged against the accused/applicant is under Section 420 IPC, which also is a civil dispute, given a criminal tinge. Learned counsel for the accused/applicant argues that since the accused/ applicant has been regularly joining investigation, no purpose would be served by arresting him.

4. On the other hand, learned APP strongly opposes this application, disclosing that the accused/applicant has not been joining the investigation. On instructions of the Investigating Officer/Inspector Vijay Pal, it is disclosed by learned APP that when the accused/applicant did not join investigation despite notice, the police party visited his residence but came to know that he has already shifted to some undisclosed destination. Learned



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prosecutor also refers to the Status Report, pointing out a few more persons who were cheated by the accused/applicant in a similar fashion for more than Rs.8,00,00,000/- in the name of that religious preacher. It is also submitted by learned APP that custodial interrogation is required in this case because the accused/applicant has not disclosed as to whether he had invested the money with any company or any business venture, and if so, details thereof.

5. Learned counsel for complainant *de facto* also strongly opposes grant of anticipatory bail in this case.

6. As reflected from previous records of this anticipatory bail application, the matter came up before different predecessor benches and the accused/applicant was granted repeated indulgence by way of interim protection from arrest on his assurance to pay back the amount to the complainant *de facto* in terms with mediation settlement, but he did not do even that. As also reflected from previous records, few more persons have also joined these proceedings, claiming that they also were cheated by the accused/applicant and his associates in a similar manner.

7. As regards the contention that a civil dispute is being given a criminal colour, as mentioned above, keeping in mind sentiments of a large number of disciples and even devotees of the said religious preacher, I do not want to mention his name or title. But suffice it to say that the title of that preacher as disclosed in the FIR leaves no doubt that the complainant *de facto* got induced to pay money to the accused/applicant, who convinced her



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that it is with the inspiration of that preacher, all her problems would get solved and she would get rich through substantial profits on the investments. One cannot ignore the harsh reality of our society where gullible individuals facing the rough weathers in life fall prey to such inducements in the name of religious preachers.

8. Further, there is not even a whiff from the side of the accused/applicant disclosing as to where he invested the money collected by him from the complainant *de facto* and a few other similar followers of that religious preacher. As specifically submitted by the Investigating Officer, the accused/applicant initially did not respond on this aspect despite being called repeatedly, but later he vaguely stated having invested the money in crypto-currency, without disclosing any details.

9. Despite a settled legal proposition that the courts dealing with bail applications are not forum for recovery of money, indulgence was repeatedly extended to the accused/applicant, apparently keeping in mind the pitiable condition of the victims of the cheating. But, as mentioned above, the accused/applicant opted not to take benefit of that indulgence and did not return money of the persons cheated by him.

10. According to the Investigating Officer, the accused/applicant also has stopped joining investigation and rather has fled to some undisclosed destination. As rightly submitted by learned prosecutor, custodial investigation is necessary in this case in order to track down the trail of cheated money.



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11. Considering the above circumstances, I do not find it a fit case to grant anticipatory bail to the accused/applicant. The application is dismissed.

**GIRISH KATHPALIA
(JUDGE)**

APRIL 22, 2025
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