

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

Date of Reserve: 16th November, 2010

Date of Order: 22nd November, 2010

+Bail Appln No. 1538/2010

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22.11.2010

ANIL KUMAR @ SUNNY

... Petitioner

Through: Mr. Aman Sareen, Advocate

Versus

STATE

... Respondents

Through: Mr. Sunil Sharma, Addl. PP for the State

JUSTICE SHIV NARAYAN DHINGRA

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporter or not?
3. Whether judgment should be reported in Digest?

JUDGMENT

1. The applicant who is in JC in a case of cheating along with his father has sought bail. The contention of the counsel for the applicant is that the applicant has been falsely implicated being son of Lal Chand, the main accused.

2. The record reveals that the applicant was not implicated merely because he was son of Lal Chand. Lal Chand along with his two sons Surender Singh and Anil Kumar was running the business of human trafficking. He had assured complainant of sending his son Nishant Singh to America for a sum of ₹ 18.00 lakh. It was assured that Nishant Singh shall be sent to U.S. with some Member of Parliament. In first meeting Lal Chand and

his two sons took Passport and ₹ 1.00 lakh from the complainant and after about 20 days the complainant was informed that visa has been stamped and flight would take place within a week and asked him to come to Delhi with balance amount of ₹ 17.00 lakh. The complainant arranged ₹ 17.00 lakh by withdrawing money from his bank and other sources (the proof of which has been given by the complainant to the police) and this money was handed over to Lal Chand in Hotel Price Palace, Main Bazar, Pahar Ganj. Lal Chand was there with his two sons. After taking money Lal chand handed over this money to his son Anil Kumar i.e. the present applicant.

3. The prosecution after registration of case collected evidence about the residence of the complainant and accused persons in Delhi. Money was handed over by the complainant in presence of his brother-in-law Santokh Singh who had accompanied the complainant to Hotel Price Palace. The evidence shows that Lal Chand and his two sons Surender Singh and Anil Kumar, both, were present in the Hotel at the time when money was taken by Lal Chand and handed over to his son. It also came to notice of prosecution during investigation that another boy namely Balwinder Singh @ Lali was also present at Hotel Prince Palace and he was also promised to be sent to USA on similar terms and conditions. However, Lali did not trust Lal Chand and therefore did not pay money to Lal chand and his sons whereas the present complainant trusted Lal Chand and paid money. After money was paid, Lal Chand executed a receipt of taking money from the complainant in Gurmukhi. He gave an undertaking in writing that in case son of the complainant was not sent to USA, ₹ 18.00 lakh would be returned to him. The undertaking cum

receipt is in the handwriting of Lal Chand and is witnessed by his sons including the present applicant. Proof of stay of all the three accused persons at Hotel Prince Palace has also been collected by the police.

4. The entire evidence collected by the police shows that applicant along with his father was in the business of human trafficking by illegal means and cheating persons. The sum of ₹ 18.00 lakh, a huge amount, was received by the accused persons collectively. I find it not a fit case for grant of bail. The application is dismissed.

NOVEMBER 22, 2010
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SHIV NARAYAN DHINGRA, J.