

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

***Date of Decision: March 19, 2015***

+ CRL.M.C. 265/2014

DIRECTORATE OF REVENUE INTELLIGENCE

..... Petitioner

Through: Mr. Satish Aggarwala &  
Mr. Amish Aggarwala, Advocates

versus

HEERA SINGH & OTHERS

..... Respondents

Through: Ms. Sangeeta Bhyana, Advocate

**CORAM:**

**HON'BLE MR. JUSTICE SUNIL GAUR**

**JUDGMENT**

**(ORAL)**

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Impugned order of 8<sup>th</sup> January, 2013 grants bail to respondents/accused while relying upon order of 10<sup>th</sup> October, 2013 passed by the Allahabad High Court in Crl.M.Bail. Application No.28353 of 2013, *Harsih Kumar Vs. State of U.P. & anr.*

Learned counsel for petitioner submits that reliance placed upon the aforesaid order is misplaced and the fact of recovery of gold weighing 2003 grams from the four belt buckles concealed in the hand baggage has not been taken into consideration and so, the bail granted to the accused is unwarranted.

Learned counsel for respondents No. 1 to 3 has drawn the attention of this Court to the 'Application for Judicial Remand' (*Annexure-A*) wherein there is a reference of four gold belt buckles and it is submitted

that the impugned order does not suffer from any illegality or infirmity, as it is noted therein that antecedents of respondents/accused are clean and the recovery from each of the accused persons is valued less than ₹50,00,000/-

The aforesaid submission of learned counsel for respondents is strongly refuted by learned counsel for petitioner who submits that respondents 2 and 3 were the carriers of respondent No.1 and so, the entire recovery is attributable to respondent No.1 from whom there was a seizure of ₹1,25,00,000/- odd being the sale proceeds of the smuggled gold.

Upon hearing and on perusal of the impugned order and the order of 10<sup>th</sup> October, 2013 of the Allahabad High Court, I find that there exists no ground for cancellation of the bail granted to the respondents/accused, as the bail has been granted to respondents/accused by not solely relying upon Allahabad High Court's Order in *Harish Kumar (Supra)* but on the facts of the instant case. It needs no clarification that any observation made in *Harish Kumar (supra)* will not be taken into consideration by the trial court while dealing with this case on merits, as each case has to be decided on its own facts.

This petition is disposed of while not commenting on the merits of the case.

**(SUNIL GAUR)**  
**JUDGE**

**MARCH 19, 2015**

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