

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

Date of order : December 11, 2015

+ BAIL APPLN. 2271/2015

GUNVIR SINGH SAINI Petitioner

Through Mr.C.L. Gupta & Mr.Navdeep
Sharma, Advocates.

versus

GOVT OF NCT OF DELHI Respondent

Through: Ms. Manjeet Arya, Additional Public
Prosecutor for the State with Sub-
Inspector Sarvesh Sharma Police
Station Chanakya Puri, New Delhi

CORAM:

HON'BLE MR. JUSTICE P.S.TEJI

ORDER

P.S.TEJI, J.

1. Consequent upon dismissal of application for anticipatory bail to the petitioner by the learned Special Judge, NDPS, New Delhi vide order dated 12.10.2015, the petitioner has filed the present bail application under Section 438 of the Code of Criminal Procedure, 1973 in a case registered under FIR No. 189/2015 under Section 420/468/471/120B of Indian Penal Code, Police Station Chanakyapuri, Delhi.

2. The prosecution case in nutshell is that on a complaint from Sh. Timothy Ayers, Assistant regional Security Officer, U.S. Embassy, New Delhi, it is alleged that one Amanpreet Singh had applied for non-immigrant visa at United States Embassy in New Delhi, who claimed to be born on October 3, 1989 at Punjab and presented Indian Passport No. F7466830 as proof of identity. It is further alleged in the complaint that Amanpreet Singh submitted a visa application disclosing that he worked at S.S. Traders and in support he had submitted a company letter head of 'S.S. Traders'. According to the complaint, Amanpreet Singh was going to visit a family friend, Buta Singh Johal in Elk Grove, CA, USA, and when the Embassy Officials asked for more information about his family friend, he could not provide that. During interrogation, Embassy Officials were informed that Amanpreet Singh paid Rs.50,000 to the petitioner being a visa facilitator for completion of his visa application and he has to pay 4-5 lacs to the petitioner, after the visa is issued. The letter head provided to support the claim of Amanpreet Singh was found to be bogus.

3. During investigation, co-accused Amanpreet Singh disclosed that the petitioner herein is the agent in the case, who tutored him for

interview, prepared and provided the fake letterhead of 'S.S. Traders' and had also filled the information through online Visa application, lives in SAS Nagar, Punjab. The address of S.S. Traders was verified and found incorrect. The search of the petitioner was made and a raid at his residence was conducted at the instance of Amanpreet Singh but he was not found at his residence. The print out of the communication between accused Amanpreet Singh and the petitioner through Whatsapp has been seized, in which the petitioner had accepted the amount.

4. Mr. C.L. Gupta, counsel for the petitioner contended that the petitioner and co-accused Amanpreet Singh happened to be one of the friends and classmates during his studies in class 9th and 10th and Amanpreet Singh contacted the petitioner to know the procedures of filling up the form for visa and the manner of interview. It is further contended on behalf of the petitioner that the petitioner is neither a visa facilitator nor an agent of sending the people abroad. It is submitted that the petitioner has gone several times to US and Australia and he was also working in Australia and he being aware of the procedure of filling up the visa application form and method of the

interview before the embassy, and he only provided information to Amanpreet Singh about filling up the form and to face the interview and apart from these things, the petitioner had not provided any document or wrong advice to him.

5. It is contended on behalf of the petitioner that the petitioner is an innocent person and he had not fabricated or given any document to Amanpreet Singh for obtaining the US visa and did not take any amount from him. At last, it is contended that the petitioner is ready and willing to join the investigation in this case as and when called by the Investigating Officer and the petitioner under undertakes to cooperate with the Investigating Officer.

6. The State has filed its status report informing that as per disclosure of the co-accused Amanpreet Singh, for recovery of the source of machinery where the fake letterhead and visa application form were prepared by the petitioner, and the petitioner is to be confronted with the alleged co-accused person for verifying the allegations levelled in the complaint, the mobile phone of the petitioner is to be recovered. It is further stated that the petitioner did not join the investigation till date and evading his arrest in this case

and for unearthing the criminal conspiracy, the petitioner is required for custodial investigation.

7. I have heard the submissions made by learned counsel for the petitioner and have gone through the contents of the FIR and the status report filed on behalf of the State.

8. It is apparent from the record that the custodial interrogation of the petitioner is required by the prosecution to unearth the conspiracy between the petitioner and his co-accused. It is specifically alleged against the petitioner that he prepared fake visa and forged documents for sending his co-accused to USA. The prosecution has sought the custodial interrogation of the petitioner to recover the computer, mobile phone and other incriminating material to connect him with the commission of crime of the present case.

9. Having regard to the aforesaid facts and circumstances of this case, this Court is of the considered opinion that no ground is made out to grant the concession of anticipatory bail to the petitioner, at this stage. However, it goes without saying that anything observed in this order shall not have any bearing on merits of the case during trial.

10. With aforesaid observations, the present bail application stands disposed of.

(P.S.TEJI)
JUDGE

DECEMBER 11, 2015
pkb