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

+ W.P.(CRL) 549/2016

SAROJ SINGH

..... Petitioner

Through : Mr.Vikas Pahwa, Sr. Adv. with Mr.Bharat
Sharma, Adv.

versus

CENTRAL BUREAU OF
INVESTIGATION AND ANR.

..... Respondents

Through : Mr.Sanjiv Bhandari, Spl.P.P., CBI, along
with Mr.Kanan, S.P., CBI, and respondent
no.2 in person.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

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18.02.2016

Present petition has been listed before this Court upon mentioning before Division Bench-II.

Present criminal writ petition has been filed under Articles 226/227 of the Constitution of India seeking a direction to the respondents to produce Mr.Saroj Singh, s/o late Sh.Kedar Prasad, before this Court, who has been illegally detained by the CBI.

Mr.Pahwa, learned senior counsel appearing on behalf of the petitioner, submits that petitioner, Mr.Saroj Singh, is in illegal detention of the respondents since 16.2.2016 as he has not returned home ever since. Mr.Pahwa further submits that on 16.2.2016 Mr.Soraj Singh had appeared before the officers of CBI at their oral directions.

Mr.Bhandari, learned counsel for the respondents, enter appearance on an advance copy and on instructions submits that this petition has been filed in the name of Mr.Saroj Singh, through one, Mr.Nishant Chauhan, (Pairokar) who is the employer of Mr.Saroj Singh. Counsel further submits that Mr.Saroj Singh is a witness in the proceedings arising out of FIR No.RC ACI 2015 A 0004 dated 23.9.2015 registered at PS CBI/AC-I and the statement of Mr.Saroj Singh was being recorded on 16.2.2016

but at the end of the day he left the office of the CBI. Mr.Bhandari further submits that Mr.Saroj Singh was not kept in the illegal detention of the CBI. In support of this submission, Mr.Bhandari has produced original Visitor Gate Pass of Mr.Saroj Singh for 16.2.2016 to 18.2.2016 to show the entry and exit time of Mr.Saroj Singh from the office of CBI. Original Visitor Gate Passes have been seen and returned and photocopies thereof have been taken on record. Additionally, it is pointed out by Mr.Bhandari that on 17.2.2016 Mr.Saroj Singh had appeared in the Court of Mr.S.C. Lamba, learned Metropolitan Magistrate, but due to paucity of time his statement could not be recorded. Mr.Bhandari contends that the statement of Mr.Saroj Singh has been recorded today before the learned Metropolitan Magistrate. Mr.Bhandari also submits that Mr.Saroj Singh is no more required by the CBI.

Mr.Saroj Singh is present in Court. Upon asking as to where he had spent two nights, Mr.Saroj Singh replied that he spent two nights in the house of his relative, Mr.Diwakar Singh, at Adarsh Nagar, and he did not return to his house as it was far away.

Mr.Pahwa, learned senior counsel for the petitioner, submits that Mr.Saroj Singh has made the aforestated statement under the fear of CBI officers, who are present in Court, as he was brought by them, which is disputed by Mr.Bhandari.

In view of the statement made by Mr.Saroj Singh, no further orders are required to be passed in the present petition and the same is accordingly disposed of.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

FEBRUARY 18, 2016

msr /

