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

+ BAIL APPLN. 500/2016

ISHWAR SINGH

..... Petitioner

Through: Mr. Mohit Mathur, Sr. Adv. with Mr.
R.K. Tarun, Advocate

versus

STATE OF NCT OF DELHI

..... Respondent

Through: Ms. Radhika Kolluru, APP

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER

26.10.2016

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1. The petitioner has preferred the present bail application under section 438 Cr PC to seek anticipatory bail in case FIR No.470/2015 under section 420/467/468/471/482/486 read with section 34 IPC registered at PS Kamla Market.
2. The case of the prosecution is that a raid was conducted based on secret information in which two buses were recovered. The chasis number of both the buses had been found to be tampered. Accordingly, a kalandara vide DD No.7 dated 26.10.2015 was registered. On confirmation from the RTO Allahabad, U.P., case FIR No.470/2015 was registered, as aforesaid.
3. During investigation of the said case, another bus bearing registration

UP-22T 0999 was also recovered which was found to have a tampered chasis number. I may observe that the petitioner is allegedly involved in relation to the aforesaid bus. This bus was found to be registered in the name of Neel Kamal Tripathi. During investigation, it was found that the registration of this bus had been got done by the accused/ petitioner Ishwar Singh on the basis of fake documents shown to have been issued by the RTO Dhanbad, Jharkand. According to the case of prosecution, the applicant on the basis of fake and forged NOC shown to have been issued by RTO Dhanbad got the registration of the bus transferred at DTO Phek, Nagaland in his name. Thereafter, he got the same transferred in the name of his associate Gufran Ahmed, a resident of Dist. Allahabad, U.P. at RTO Allahabad. The registration of the said bus was then transferred to Neel Kamal Tripathi, which was got registered at RTO Rampur, U.P. According to the prosecution, the documents pertaining to the said bus were prepared at the instance of the petitioner/ applicant, who first got the same registered in his name at DTO Phek, Nagaland on the basis of forged and fabricated documents purportedly issued by RTO Dhanbad.

4. It appears that the petitioner did not join the investigation initially and nonailable warrants were issued against him by the learned Magistrate on 27.01.2016. Proceedings under section 82 Cr PC were also initiated against him on the same day. The petitioner's bail application was dismissed by the learned ASJ on 01.03.2016. Consequently, the present bail application has been preferred.

5. On 08.03.2016, this Court while issuing notice on the present bail application directed that the applicant should make himself available for

interrogation by the I.O. in the first instance on 09.03.2016. Subject to his joining investigation, he was granted interim protection in respect of coercive steps.

6. The submission of Mr. Mathur, learned senior counsel for the petitioner is that the petitioner has joined the investigation and he has answered the queries raised by the I.O. Mr. Mathur submits that the custodial interrogation of the petitioner is not required in these circumstances. He submits that the initial raid was conducted not on the basis of a complaint, but on the basis of secret information. That proceeding did not even relate to the bus in question, in respect whereof it is alleged that the petitioner is instrumental in forgery and fabrication of registration documents.

7. Mr. Mathur further submits that the petitioner has already provided whatever information he was possessed of, and is even now ready and willing to join the investigation and answer further queries that the I.O. may wish to raise. Mr. Mathur submits that the I.O. may give a questionnaire to the petitioner which shall be answered by the petitioner. Mr. Mathur submits that the other accused in the same case, namely, Mohd. Yusuf and Gufran Ahmed have already been granted bail by the Sessions Court.

8. The State has filed two replies/ status reports in the matter. The first reply was filed on 05.04.2016 and the second status report has been filed on 19.07.2016. As per the reply, the source of procurement of vehicle along with the original documents of the bus in question are yet to be recovered from the petitioner. The status report also points out that the accused had initially been granted interim protection by the learned ASJ and he was

required to join the investigation. Though the petitioner joined the investigation, he did not reveal anything and feigned ignorance in respect of most of the questions put to him in the written questionnaire. He was called for interrogation in terms of the order passed by this Court repeatedly, but did not cooperate. He has stated that he does not keep a mobile phone. The status report discloses that the accused is hiding and did not join the investigation despite notice.

9. The second status report states that the petitioner did not satisfactorily answer questions with regard to his address given by him at Beltola, Guwahati, Assam. He only revealed that the documents were prepared through one Pankaj Kumar Mishra but he neither revealed the address nor the phone number of Pankaj Kumar Mishra. He has also not given any satisfactory or truthful reply about the method used in tampering with the chassis number of the bus and also about his co-conspirators in this regard. He also stated that the tampering was done at the house of Neel Kamal Tripathy. The status report states that this version does not appear to be true since the chassis number of the bus had been tampered at the time when it was registered in the name of the applicant at Phek, Nagaland on 03.10.2013. The bus was registered in the name of Neel Kamal Tripathy only on 27.07.2015, i.e. much later. Since the petitioner is not truthfully replying to the questions, the present application is seriously opposed.

10. Having heard learned counsel for the petitioner as well as learned APP and perused the record, I am of the view that the petitioner is not entitled to any protection by this Court against pre-arrest. Prima-facie, it appears that the petitioner could be involved in tampering of the bus number

of the bus in question and also in getting the said bus registered in the name of the applicant at Phek, Nagaland on the basis of the forged and fabricated documents were obtained from RTO, Dhanbad. It is for the petitioner to explain as to from where, and from whom he had purchased the bus in question bearing registration No.UP-22 T0999 and for what consideration; it is for him to explain as to how the consideration was paid and to whom; it is for him to explain as to how and wherefrom he obtained the documents allegedly issued by RTO, Dhanbad on the basis of which he got the registration of the bus transferred in his name with a tampered bus number at Nagaland. The answers given by the petitioner appear to be incomplete and misleading inasmuch, as, he has neither provided his own mobile phone number, nor the address or mobile phone number of the alleged Pankaj Kumar Mishra. He has also not been able to satisfactorily answer questions with regard to the address furnished by him at Beltola, Guwahati, Assam.

11. In these circumstances, in my view, the custodial interrogation of the petitioner is absolutely necessary. He is, accordingly, directed to forthwith surrender before the I.O.

12. Accordingly, the bail application stands dismissed.

VIPIN SANGHI, J

OCTOBER 26, 2016

SR/B.S. Rohella