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

+ **CRL.M.C. 1068/2016**

DIRECTORATE OF REVENUE INTELLIGENCE Petitioner

Represented by: Mr. Satish Agarwala,
Special Public Prosecutor.

Versus

DEEPAK RISHI

..... Respondent

Represented by: None.

CORAM:

HON'BLE MR. JUSTICE SURESH KAIT

ORDER

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15.03.2016

Crl.M.A. No.4586/2016 (for exemption)

Exemptions allowed, subject to all just exceptions.

Accordingly, the application is allowed.

CRL.M.C. 1068/2016

1. Vide the instant petition, the petitioner Department seeks setting aside of the order dated 27.01.2016, whereby the respondent was granted anticipatory bail by the learned Additional Sessions Judge, New Delhi.
2. Learned Special Public Prosecutor appearing on behalf of the petitioner Department submits that the Department had never issued summons in the name of the respondent; there was no apprehension of his being arrested in the present case and to this effect he made the statement

before the learned Additional Sessions Judge. Thus, the application of the respondent was not maintainable, however, the learned Additional Sessions Judge granted the anticipatory bail to the respondent vide aforesaid order, which is illegal.

3. It is also submitted that the respondent was involved in another case of mis-declaration of goods in which he was arrested.

4. It is not in dispute that accused Amit Singh @ Atul Singh made statements on 13.01.2016 and 14.01.2016 revealing that the respondent herein had played a key role in the case of illegal import of Chinese original fire crackers.

5. Even today, the learned counsel for the petitioner submits that statement of aforesaid Amit Singh is to be verified from so many angles and thereafter, if deemed appropriate, the respondent will be summoned under Section 108 of the Customs Act, 1962.

6. To strengthen his arguments, learned Special Public Prosecutor has relied upon the judgments of ***Rama Swaroop Vs. The State (Delhi Administration) & Ors., 1986, Crl. L.J. 526, Parvinderjit Singh & Anr. Vs. State (U.T. Chandigarh) & Anr., 2009 (1) C.C.Cases (SC) 190, Central Excise Vs. Satyam Bhushan Jain & Ors.*** decided on 19.11.2010 and ***Vijay Verma Vs. State & Anr.*** decided on 11.03.2015.

7. The cases relied upon by the petitioner dealt with the situation when there is no apprehension of arrest, than the court should not entertain the application for grant of anticipatory bail, however, in the case in hand, there are statements of accused Amit Singh dated 13.01.2016 and 14.01.2016,

wherein he categorically stated that the respondent had played key role in the case of illegal import of Chinese original fire crackers. The said statements were somehow in the knowledge of the respondent as informed to the Court by the learned Special Public Prosecutor for the petitioner.

8. Thus, keeping in view the facts and circumstances of the case, the learned Additional Sessions Judge granted anticipatory bail in favour of the petitioner. Therefore, the judgments relied upon by the learned counsel for the petitioner are not relevant to the facts and circumstances of the present case.

9. Hence, finding no merits in the present petition, the same is dismissed accordingly.

Crl.M.A.No.4585/2016 (for stay)

With the disposal of the petition itself, the instant application has become *infructuous*. The same is dismissed accordingly.

SURESH KAIT, J.

MARCH 15, 2016

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