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* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ BAIL APPLN. 1997/2015
RAJINDER

..... Petitioner

Through: Mr Himanshu Anand Gupta, Adv.
versus

STATE (GNCT OF DELHI)

..... Respondent

Through: Ms Neelam Sharma, Additional Public
Prosecutor for the State alongwith Sub
Inspector Virendra Singh and Insp. Ashih
Kumar Police Station Crime Branch
Kotwali, Delhi

CORAM:

HON'BLE MS. JUSTICE SUNITA GUPTA

ORDER

% 18.01.2016

This is application under Section 438 of Cr.PC moved by the petitioner for grant of anticipatory bail in case FIR No. 138/2015 under Sections 379/411/120B IPC and Sections 2, 33, 42, 52 and 64 of the Indian Forest Act, 1927 registered at Police Station Crime Branch, Delhi.

It is submitted by counsel for the petitioner that all sections under the Forest Act are bailable and the offence under Sections 379 and 411 of Indian Penal Code are entailing a maximum punishment up to three year or fine or both; the petitioner has already joined investigation and the co-accused persons have already been released on bail.

Learned Additional Public Prosecutor for the State opposes the application on the ground that the offences committed by the petitioner are serious in nature. 2725 kgs of prohibited red sandal wood has been recovered which was to be transported to China. The cost of one kg of red sandal wood in the international market is approximately Rs.3 to 4 lacs. Reference was also made to the status report and it is submitted that custodial interrogation of the petitioner is required to unearth the entire conspiracy leading to smuggling of the prohibited item as such the petitioner is not entitled to be released on anticipatory bail.

As per the status report on 06.09.2015, acting upon a secret information, three accused persons namely Manwar Singh Negi, two Chinese nationals Zang Min Gao and Chen Hu Hua @ Cheng Fu Fua were arrested from Salimgarh bypass, DTC bus stand near Geeta Colony underpass, Delhi while carrying 2725 kgs of prohibited red sandal wood in a tempo number HR-55-R-2607. It was revealed that the recovered logs of prohibited red sandal wood were loaded from a godown situated at Bilaspur, Gurgaon, belonging to Rajinder Singh (petitioner herein) in partnership with a Chinese National Yongxin Peng @ Vincent. During investigation, it was revealed that the petitioner was running an international racket of smuggling of red sandal wood in criminal conspiracy with Zang Min Gao, Chen Hu Hua @ Cheng Fu Fua and Yongxin Peng @ Vincent and is also previously involved in two more cases of similar smuggling racket vide FIR No.342/15 under Sections 45/41/54/67/51/58/56/42/69/66/52/53/76/55 IF Act and 379/411/420/468/120B IPC Police Station Bilaspur, Gurgaon, Haryana and FIR No.298/14, under Sections 379/411/120B IPC and 32/33,41(2)b, 42/69 Indian Forest Act, Police Station DLF, Phase-I, Gurgaon. The Chinese accused persons Zang Min Gao, Chen Hu Hua @ Cheng Fu Fua and Yongxin Peng @ Vincent were granted bail by the learned Chief Metropolitan Magistrate, New Delhi. Notices under Sections 160 Cr.PC were issued to accused persons Zang Min Gao, Chen Hu Hua @ Cheng Fu Fua and Yongxin Pen @ Vincent at their given address to join investigation but none came to join investigation except Yongxin Peng @ Vincent. It was learnt that the other two Chinese nationals have shifted to some other undisclosed location. Even accused Yongxin Peng @ Vincent remained non-cooperative throughout the investigation and kept on repeating, "I don't know". Accused Rajinder Singh (the petitioner) when directed by this Court, joined investigation but did not give any satisfactory reply to the queries made during investigation. He tried to mislead the investigations by stating that he didn't know whereabouts of Rahul, supervisor of this godown as well as his mobile phone and Yongxin Peng @ Vincent, but on perusal of the CDR of his mobile number 9910286565 & 9910625644, it was revealed that he was well in continuous touch with both of them through their mobile phone i.e. 8506812149 of Rahul and 9643503564 & 8750268352 belonging to Yongxin Peng @ Vincent. Besides this, accused Rajender Singh could not

give any reply as to why he had sub-leased the godown nor he could provide any documentary proof of sub-leasing his godown. It clearly proves that the property confiscated in the present case belongs to him and he is involved in trading of banned red sandalwood. Bank statements of Rama Krishna Enterprises Private Ltd. A/C No. 915020025708991 in Axis bank and Rama Enterprises A/C No. 12038970000113 in HDFC bank were collected and it was revealed that there are several transactions of huge amount in both the accounts but accused Rajender Singh could not give any satisfactory reply or produce any document about these transactions. During further investigation, co-accused Tribhuvan Singh @ Rahul also disclosed that he was appointed as a supervisor by co-accused Rajender Singh, who is involved in the illegal trading of red sandalwood. Rajender Singh used to get the supply of red sandalwood through one Prithvi r/o Mangali, Hissar, Haryana through courier. Such criminals, not only damage the economy of India through supplying rare natural resources but also cause huge irreparable loss to scarce natural resources of country and it is imperative to bust the whole chain involved in the nefarious act. All the accused persons were using mobile numbers issued on the basis of forged Ids, which is also a serious threat to the national security. Moreover, to unearth this international racket of smuggling of red Sandal Wood, source of supply i.e. Prithvi r/o Mangali, Hissar, modus operandi to steal banned woods from forest of South India its transportation inside India and outside Indian Borders, other conspirators, financiers, transporters, store house etc. have to be identified through custodial interrogation of accused Rajender Singh.

During the course of arguments, it is not disputed by counsel for the petitioner that the godown from where the prohibited red sandal wood was transported has been taken on lease by the petitioner. However, it is submitted by counsel for the petitioner that the petitioner is not aware of any illegal activities being going on from his godown.

Needless to say, the allegations against the petitioner are very serious in nature. The custodial interrogation of the petitioner will be required to unearth the entire racket of smuggling of red sandal wood. That being so, the petitioner is not entitled to be released on anticipatory bail. The application is accordingly dismissed.

The interim protection granted to the petitioner vide order dated 21.09.2105 and

continued thereafter stands vacated. The petitioner is directed to surrender before the Investigating Officer of the case within two (2) days from today.

The application stands disposed of accordingly.

SUNITA GUPTA, J

JANUARY 18, 2016/*rd*