

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

RESERVED ON : 28th SEPTEMBER, 2016
DECIDED ON : 20th OCTOBER, 2016

+ **BAIL APPLN. 2647/2015**

RAMINDER SINGH Petitioner

Through : Mr.Vikas Padora, Advocate with
Mr.Vaibhav Aggarwal, Advocate.
versus

UNION OF INDIA & ANR. Respondents

Through : Mr.Neeraj Jain, Advocate with
Ms.Rajul Jain, Advocate for R1.

CORAM:
HON'BLE MR. JUSTICE S.P.GARG

S.P.GARG, J.

1. This is a petition under Section 439 of the Code of Criminal Procedure, 1973 (to be referred as 'Code') for seeking bail. Status report is on record.
2. I have heard the learned counsel for the parties and have examined the file. The petitioner, admittedly, is facing inquiry before learned ACMM under Section 5 of the Extradition Act.
3. Admittedly, arrest warrants against the petitioner were issued by Hon'ble Sheriff of Lothian and Borders at Edinburgh on 05.11.2012

(Annexure 'P2'). The petitioner was arrested by the police of PS Crime Branch, Chanakyapuri on 05.04.2015.

4. Petitioner's counsel urged that no prima facie evidence has come on record against the petitioner in the extradition documents sent by U.K.authorities. The sexual offences for which extradition is sought are not covered by the Extradition Treaty between India and United Kingdom. The offences for which the petitioner has been charged are bailable in India. The petitioner is in custody since 05.04.2015. There is no possibility of the petitioner to flee from justice. He is a young boy of twenty-seven years old. The victim who has levelled allegations against the petitioner was having consensual relationship with him. She was not medically examined to infer nature of injuries sustained by her. The offences attracted i.e. 323/354/325/201 IPC are bailable in India.

5. Status report reveals that CBI, Interpol vide its communication dated 24.01.2013 requested the police authorities in Chandigarh (petitioner's home-town) to arrest him. The police officials of Police Department, Chandigarh visited the said address. Petitioner's mother informed that the petitioner had visited her once about one and a half year ago and she did not know his present whereabouts. The petitioner remained absconding and was provisionally arrested on 05.04.2015. The petitioner did not disclose as to where he remained in hiding for about three years. Apparently, the petitioner evaded the process to avoid arrest.

6. Perusal of the extradition request dated 19.05.2015 reveals that the requesting State has sought extradition on serious charges. It is stated that in between 30.06.2012 to 18.07.2012 the petitioner assaulted the victim 'K' (Assumed name) and repeatedly struck on her head causing her to fall

on the ground and render her unconscious. On 22.07.2012, he sexually penetrated victim 'K's vagina. He also penetrated fingers and hand in her vagina. On 22.07.2012, the petitioner assaulted another victim 'R' (Changed name), struck repeatedly on her face, bite her on the breasts and stomach. He also disrobed her of her lower clothing and attempted to commit rape; he also attempted to commit her murder. It is further alleged that in between 22.07.2012 and 23.07.2012 the petitioner falsely claimed that his mother was ill. He washed his blood stained clothes and fled to India to defeat the ends of justice. These allegations / charges can't be brushed aside at this stage. Soon after the crime, the petitioner fled the spot and came to India.

7. In '*Sarabjit Rick Singh vs. Union of India*', 2008 (2) SCC 417, the Supreme Court observed that the Magistrate under the Extradition Act is to make an inquiry and not to hold a trial. He is required to arrive at a prima facie finding either in favour of the fugitive criminal or in support of the requesting State. No formal trial is to be held. Only a report is required to be made. Strict formal proof of evidence in extradition proceedings is not the requirement of law. While conducting an inquiry, the Court may presume that the contents of documents would be proved and if proved, the same would be admitted as evidence at the trial in favour of one party or the other.

8. The arguments urged by the petitioner's counsel primarily are on merits which are to be taken into consideration by the learned ACMM at the time of conclusion of the inquiry.

9. The prayer for enlargement on bail cannot be allowed for the reason that the petitioner appears to be involved in a serious case.

10. Since the petitioner is in custody since long, the learned ACMM is requested to conclude the inquiry as expeditiously as possible.
11. The bail application is dismissed with the above directions.

(S.P.GARG)
JUDGE

OCTOBER 20, 2016 / *tr*

