

\$~

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

+

BAIL APPLN. 1091/2017

Order Reserved On: 13th November, 2017

Order Pronounced On: 17th November, 2017

KUNAL SINGH

.....Petitioner

Through: Mr. Shantanu Sagar and Mr. Jeewesh
Prakash, Advocates.

versus

STATE NCT OF DELHI

....Respondent

Through: Mr. Mukesh Kumar, APP for the State.

CORAM:

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

1. By way of the present petition filed under Section 438 of the Code of Criminal Procedure 1973, (hereinafter referred to as 'Cr.P.C.') the petitioner seeks **grant of anticipatory bail** in FIR No.1160/2015 under Sections 420/468/471/120-B of the Indian Penal Code, 1860 (hereinafter referred to as 'IPC') registered at Police Station, Bindapur, New Delhi. Status Report is on record.
2. The prosecution case in a nutshell is that, a complaint was filed on 17.08.2015 by one Mohan Singh who stated therein that he approached one Govind Singh Bora to arrange for a job for his son/Amar Singh Bisht; that after 15 days Govind Singh Bora allured him that on paying Rs. 5 Lakhs, he would get his son placed in the Railways and also gave assurance that the entire amount would be refunded in case he fails to procure the said job; that on the said assurance the complainant arranged Rs. 5 Lakhs by

taking loan from the bank and his relatives and handed over the same in installments to one Sanjay Kumar upon the directions of Govind Singh Bora; that the first installment of Rs.1,90,000/- was handed over to Sanjay Kumar at his residence and the balance amount was deposited in the petitioner's account; that the complainant's son was called to Bihar by Sanjay Kumar where he was given fake employment documents by him; that Sanjay Kumar took one and a half years time to finalise the recruitment of the complainant's son in Railways; that after one and a half year, the complainant realized that he was being cheated by the petitioner and hence the present complaint was filed.

3. The previous anticipatory bail application filed by the petitioner before the Court of Additional Sessions Judge was dismissed vide order dated 26.04.2017. Hence the present petition.
4. Mr. Shantanu Sagar, learned Counsel for the petitioner contended that the petitioner has been falsely implicated in the present case and has no connection whatsoever in the alleged incident; that the petitioner has not been named in the FIR and the only role attributed to him in the present case is the transfer of around Rs.10 Lakhs in his account from the account of co-accused Sanjay Kumar; that the ATM Card of the petitioner was borrowed by co-accused Amit Kumar to receive certain payments from his family but the same was however misused by the co-accused persons to transfer Rs.10 Lakhs in his account; that as soon as the petitioner became aware of the said transfer, he got his account closed; that the petitioner has been wrongly roped in the present case on the

basis of the disclosure statements of co-accused Amit Kumar and Sanjay Kumar, and it is a settled law that confessional statement is not an admissible piece of evidence and as such on that basis the petitioner cannot be fastened with any criminal liability; that on being granted interim protection by the Trial Court vide order dated 19.04.2017, the petitioner joined investigation and presented himself before the SHO of P.S Bindapur; that hence in the aforementioned circumstances anticipatory bail be granted to the petitioner.

5. Per contra Mr. Mukesh Kumar, learned APP for the State strongly opposed the anticipatory bail application of the petitioner and submitted that custodial interrogation of the petitioner is required to effect recovery of the alleged amount and to establish the identity of the petitioner through TIP; that the petitioner has not joined investigation and has been purposely evading his arrest, as a result of which he has been declared Proclaimed Offender vide order dated 08.06.2017; that two other similar FIR's have been lodged against the petitioner; that hence the present petition for grant of anticipatory bail be dismissed.
6. I have heard the arguments advanced by learned counsel for the parties and perused the material available on record.
7. During the course of investigation, the police has recorded the statement of the complainant's son wherein he disclosed that when he reached Sonpur, Bihar alongwith other victims, co-accused Amit Kumar had given him the forged documents, i.e. the joining letter, ID Card, Offer Letter, Pay-in-Slip and transfer letter of East

Central Railway of Government of India. He further stated that they were called for training for a period of 5-6 months and a stipend was given to them.

8. The State has filed its Status Report informing that as per disclosure made by the co-accused Sanjay Kumar, the amounts received from the victims/ candidates were transferred to different persons i.e. Smt. Kanti Devi/mother of co-accused Amit Kumar, Vipin Kumar and Kunal Singh/present-petitioner.

More particularly it is stated that, an amount of approximately Rs.10 Lakhs was transferred from the account of co-accused Sanjay Kumar to the SBI Account No.30060940177 of the petitioner and the same had also been withdrawn.

9. It has also come on record that the petitioner has been involved in other similar cases of cheating, in respect of which FIR No.146/17 and FIR No.147/17 respectively, have been registered at PS Bindapur, New Delhi.
10. Furthermore, the petitioner has been deliberately evading the process of law, and has been declared Proclaimed Offender, vide order dated 08.06.2017.
11. Hence considering the fact that the case involves multiple victims and forgery allegedly in respect of documents attributed to the Government of India; that large sum of money has been paid by the victims which has been transferred to the accounts of different persons including the petitioner who acting in close connivance with each other have obtained the same on the pretext of providing jobs to unemployed youth; this Court is of the considered opinion

that no ground is made out to grant the concession of anticipatory bail to the petitioner, at this stage.

12. Accordingly, the present petition for the grant of anticipatory bail stands dismissed.
13. Before parting with the above order, it is made clear that anything observed in the present petition shall not have any bearing on the merits of the case during trial.

SANGITA DHINGRA SEHGAL, J

NOVEMBER __, 2017
//gr