

\$~

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Judgment delivered on: 16.01.2020

+ **BAIL APPLN. 2254/2019**

SANDEEP JHA

..... Petitioner

Through: Mr. Atul Nagranjan &
Mr. Jatin, Advocates.

versus

STATE (GOVT OF NCT OF DELHI) Respondent

Through Mr. Tarang Srivastava,
APP for State along with SI
Manlosh Kumar, PS
Barakhamba Road.
Mr. Rajesh Bhatia & Mr.
Hemant Kakkar, Advocates for
complainant.

CORAM:

HON'BLE MR. JUSTICE BRIJESH SETHI

J U D G M E N T

BRIJESH SETHI, J.(oral)

1. Vide this order I shall dispose of a bail application filed u/s. 439 CrPC by the petitioner **Sandeep Jha** in FIR No. 129/2018 u/s. 420/406/34 IPC, P.S. Barakhamba Road.

2. Ld. Counsel for the petitioner has prayed for bail on the ground that petitioner is innocent and has been falsely implicated. It is submitted that applicant is in JC since 18.03.2019. As per allegations,

the complainants had paid an amount of Rs. 11,44,000/- to the co-accused Gagandeep Singh for booking air tickets to Dubai by Emirates Airlines for 78 persons, but on 21 tickets were provided by co-accused Gagandeep Singh. The said 21 tickets were also fake, forged and fabricated because of which the present FIR was registered by the complainants. It is submitted that co-accused Gagandeep Singh was granted anticipatory bail vide order dated 07.12.2018 by Sh. O.P. Saini, Ld. ASJ, Patiala House Courts, New Delhi. The petitioner had filed bail application u/s. 439 CrPC before the Ld. Sessions Judge which was dismissed vide order dated. 22.05.2019.

3. It is submitted that petitioner was just working in the company with the main accused Gagandeep Singh and was not involved in the commission of alleged offences and, therefore, the Ld. Sessions Judge has erred in dismissing the bail application on the flimsy grounds. It is submitted that co-accused Gagandeep Singh had admitted his guilt and had entered into a Memorandum of Understanding dated 07.12.2018 with the complainants and had agreed to pay Rs. 21,50,000/- without admitting involvement of the petitioner.

4. It is submitted that summons and warrants sent to the petitioner asking him to join the investigation were not sent on the correct address of the petitioner and he was not aware about the proceedings initiated against him until the police came and arrested the petitioner from Sector-18, Rohini, Delhi. The petitioner was declared proclaimed offender without ever issuing a summon or a warrant to the actual address of the petitioner.

5. Ld. APP for the state has opposed the bail application on the ground that allegations against the petitioner are serious in nature. Petitioner is involved in an offence of cheating and forgery along with his co-accused. The co-accused Gagandeep Singh was granted anticipatory bail vide order dated 07.12.2018 by Sh. O.P. Saini, Ld. ASJ, Patiala House Courts, New Delhi but it has been cancelled by the Court of Sh. M. K. Nagpal, Ld. ASJ, Patiala House Court New Delhi on 31.05.2019. He has, therefore prayed for dismissal of the bail application.

6. I have considered the rival submissions. Learned Counsel for the petitioner has relied upon case titled '**P. Chidambaram vs. Directorate of Enforcement, Crl. Appl. No. 1831/2019, arising out**

of SLP (Crl.) No. 10493/2019’. I have gone through the case. There is no quarrel with the proposition of law laid down therein. However, this authority is distinguishable on the basis of facts and circumstances stated therein. Moreover, it is a settled law that while granting bail, the court has to keep in mind the nature of accusation, the nature of evidence in support thereof, the severity of the punishment which conviction will entail, the character of the accused, the circumstances which are peculiar to the accused, his role and involvement in the offence, his involvement in other cases and reasonable apprehension of the witnesses being tampered with.

7. The present case has been registered on the complaint of Sh. Yadvender Singh Mankotia, Director of M/s. Splender Exhibition Pvt. Ltd. and M/s. Indian Legends Holidays Pvt. Ltd., engaged in the business of Tours and Travels wherein he alleged that one of his client Sh. Ajit Singh Bhatia had approached his company for tour package to Dubai for 78 persons. Thereafter complainant approached co-accused Gagandeep Singh and paid a sum of Rs. 11,44,000/- for arranging the Air Tickets for aforesaid 78 persons. However, petitioner and co-accused Gagandeep Singh provided only 21 tickets on 24.09.2018

though he was to arrange 70 tickets for which the payment was made to them. On enquiry from Emirates Airlines, they were shocked to know that the 21 tickets provided to complainant were fake. The said tickets were provided through Email ID of the petitioner i.e. sandeep.jha@zoomholidayishop.com. The petitioner Sandeep Jha was also making correspondence regarding the tickets in question and was the Vice-President (operations) of the Zoom Hoidays Inc. Petitioner and co-accused Gagandeep Singh are also involved in similar other cases/complaints i.e. i) FIR no. 0792/2018, u/s. 420/406 IPC, PS Jawahar Circle, Jaipur ii) FIR No. 472/2018, u/s. 420/34 IPC, PS Polis Thane, District Pune Sahar, Maharashtra and iii) FIR No. 0792/2018, u/s. 420/4-6 IPC, PS Jawhar Circle, Jaipur. Petitioner was declared PO in the present case and arrested by the Crime Branch, Rohini. Keeping in view the above facts and allegations leveled against the petitioner and his involvement in other cases of cheating & forgery, no grounds for bail are made out. The bail application is, therefore, dismissed.

BRIJESH SETHI, J

JANUARY 16, 2020

AP