

**(VIA VIDEO-CONFERENCING)**

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

**Reserved on : 02.08.2021**

**%**

**Pronounced on : 03.09.2021**

**+ BAIL APPLN. 2150/2021**

**TEJINDER PAL SINGH**

**.....Petitioner**

**Through: Mr. Kirti Uppal, Sr. Advocate  
with Mr. Jaspreet Singh Rai,  
Mr. Siddharth Chopra, Ms.  
Riya Gulati, Mr. Himanshu  
Bidhuri and Mr. Jasdeep S.  
Dhillon, Advocats.**

**Versus**

**STATE (NCT OF DELHI)**

**..... Respondent**

**Through: Ms. Rajni Gupta, APP for the  
State with SI Dinesh Beniwal, PS  
R.K. Puram.**

**Mr. Chetan Sharma, ASG with  
Mr. Ajay Digpaul, CGSC and  
Mr. Kamal R. Digpaul, Advocate  
for UOI.**

**CORAM:**

**HON'BLE MR. JUSTICE RAJNISH BHATNAGAR**

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## **ORDER**

**RAJNISH BHATNAGAR, J.**

1. The present bail application has been filed by the petitioner under Section 438 Cr.P.C. seeking anticipatory bail in case FIR No. 10/2021 under Section 420/468/471 IPC registered at P.S. R.K. Puram, New Delhi.

2. Briefly stated the facts of the present case are that initially one Avtar Singh Sunner S/o Tarsem Singh R/o ward No. 9, 11G, Sri Ganganagar, Rajasthan had filed a complaint against petitioner Tejinder Pal Singh which was received at SP office Sri Ganganagar, Rajasthan from passport office Jaipur for enquiry.

3. It has been alleged in that complaint that the petitioner is a history-sheeter of PS Kotwali, Sri Ganganagar, Rajasthan and he has been involved in activities with Bhinderwala and has also been in jail. His photo is also in police station and despite this he has passports from Delhi and Jaipur. It is also alleged that the passport issued from Jaipur got renewed and the petitioner is travelling abroad. Complainant Avatar Singh demanded an enquiry that how a history-sheeter got a passport and renewed it.

4. The said complaint was sent to SHO PS. Kotwali, Sri Ganganagar, Rajasthan Vide SP office, letter Dt. 29.08.2018 for enquiry which was conducted by E.O. ASI Lal Bahadur Chander PS

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Kotwali. As per enquiry report, petitioner Tejinder Pal Singh S/o Surjit Singh is basically a resident of H.N. 416, Vinoba Basti, Sri Ganganagr Rajasthan and presently, has been residing at H.N. 619 in the same locality since 2011. He has criminal back ground and has been involved in criminal activities since 1983. He was declared history-sheeter of PS Kotwali in 1992 and due to observation on him for being a history-sheeter, it was not possible for him to get any passport at his above address. But he concealed these facts and applied for a passport in 2005 at Passport Office, Bhikaji Cama Place, Delhi while showing himself a permanent resident of 3<sup>rd</sup> floor, H.N. 407, New Rajender Nagar, Delhi, actually the resident of his sister-in-law namely Mis Manju Tehri W/o Kailash. With passport application form, he produced a forged/edited voter card of Delhi, bearing No. DL/07/067/12409 Dt. 29.12.1995 showing his name and photograph on it and a fake school transfer certificate of Govt. School, Bibirani, Alwar, Rajasthan. After enquiry both documents were found forged and it came to notice that voter ID card that he edited actually belongs to Kailash S/o Hukumchand, (husband of Manju). On the basis of above false information and forged/fabricated documents provided by the petitioner, he was issued passport No. F2911333 valid from 30.03.2005 to 29.03.2015, by passport office, Bhikaji Cama Place, Delhi. After expiry of the above passport, he got a new passport bearing No. N5299438 dt. 30.11.2015 from Jaipur Passport Office, at

his actual address i.e. H.N. 619, Vinoba Basti, Sri Ganganagar, Rajasthan in continuation to the previous passport.

5. After enquiry, having found the jurisdiction of Delhi, the matter was sent to Superintendent, Regional Passport Office (RPO), Bhikaji Cama Place, R.K. Puram Delhi by SP, Sri Ganganagar vide its office letter dt. 17.6.2019. Further. Mr. Suresh Yadav, Senior Superintendent (Policy), Regional Passport Officer, Delhi filed a complaint dt. 15.12.2020 to the DCP, South West Delhi for registration of FIR against the petitioner for furnishing false information, suppressing information regarding criminal case(s) registered against him and furnishing fake/forged tempered documents. The complaint was received at PS RK Puram, Delhi for further legal action.

6. In his complaint, he alleged that petitioner was issued passport No. F2911333 dt. 30.03.2005 from RPO, RK Puram, Delhi, on the basis of a clear Police Verification Report. Further, he alleged that Superintendent of Police, Sri Ganganagar, Rajasthan, conducted an investigation against petitioner Tejinder Pal Singh on the complaint of one Mr. Avtar Singh and as per investigation report of SP, Sri Ganganagar, the petitioner was found of criminal background and school documents and the voter ID card submitted in RPO, Delhi by the petitioner for obtaining passport in question i.e F2911333, were found to be fake, forged and tampered. On the said complaint after

initial enquiry, and on the basis of enquiry report of Rajasthan Police, present FIR No. 10/2021 U/s 420/468/471 IPC was registered at PS R.K. Param, Delhi.

7. I have heard the Ld. counsel for the petitioner, Ld. A.S.G. for the State, perused the written submissions filed by the Ld. counsel for the petitioner and also perused the Status Report filed by the State.

8. It is submitted by the Ld. counsel for the petitioner that the complaint has been filed after 14 years and is a motivated complaint. It is further submitted by the Ld. counsel for the petitioner that the entire case of the prosecution is based on scanned photocopies of the documents which were given by the petitioner in 2005 to get his passport issued from Delhi and there are glaring discrepancies in the documents. It is further submitted by him that there are shortcomings in the passport application form and the bare perusal of the passport form would make it apparent that no passport officer/authority could have issued passport in the light of such glaring anomalies. It is further submitted by him that the information which was sought in column No. 16 of the passport form did not have any bearing on the petitioner as the petitioner was required to submit information of criminal record for the period of 5 years immediately preceding the date of his application form, so there was no reason for the petitioner to conceal the relevant

information, therefore, he chose Delhi for the issuance of passport as he was residing in Delhi from 2001 to 2005.

9. It is further submitted by the Ld. counsel for the petitioner that the prosecution has concealed the relevant information and has failed to disclose that the prosecution has demanded documents from the passport office and the passport office categorically denied the same on the ground that the original are kept only for a period of one year. It is further submitted by him that the documents provided to the petitioner by the passport office under RTI do not contain Rashan Card of the petitioner and the absence of the Rashan Card raises more suspicion on the manipulation of the documents and the verification report submitted to the passport office on 11.03.2005 is not submitted in the Court. It is further submitted that the prosecution has concealed that in the year 2015, while renewing the applicant/petitioner's passport a clear verification report was issued by Sh. Ganga Nagar Police, recommending issuance of the passport to the petitioner certifying that he has good moral character and reputation.

10. It is further submitted that the action against the petitioner can only be taken U/s 12 of the Passport Act and no FIR can be registered under the general law i.e. IPC and the punishment provided U/s 12 of the Passport Act is two years. It is further submitted by him that a show cause notice was issued to the petitioner by the passport office

Jaipur dated 3<sup>rd</sup> July 2019 and in furtherance of the show cause notice, the petitioner has submitted his two passports i.e. his old passport made in 2005 and the new passport renewed in 2015 with passport office Jaipur. It is further submitted that no sanction has been obtained against the petitioner U/s 15 of the Passport Act and in view of that no prosecution can be instituted against the petitioner. Ld. counsel for the petitioner has relied upon judgment of Kolkatta High Court in the case of Malcolm War Macleod Vs. State of West Bengal in C.R.R. 4057 of 2008 and Judgment of High Court of Karnataka at Bengaluru in the case of Miss Tespal Dickey Vs. The Immigration Officer in Criminal Petition No. 4239 of 2015.

11. On the other hand, it is submitted by the Ld. ASG on behalf of the respondent (State) that the petitioner has a criminal background and is involved in criminal activities since 1983 and has been declared history sheeter of PS Kotwali in 1998 and therefore, it was not possible for him to get any passport in 2005 at passport office Bhikaji Cama Place and he falsely showed himself as a permanent resident of 3<sup>rd</sup> Floor, H.N. 407, New Rajender Nagar, Delhi which actually was the residence of his sister-in-law. It is further submitted by the Ld. ASG that alongwith the passport application form he has produced forged/edited voter card of Delhi bearing No. DL/07/067/12409 dated 29.12.1995 showing his name and photograph on it and a fake school transfer certificate of Govt. School, Bibirani. Alwar, Rajasthan. It is

further submitted that after enquiry both documents were found to be forged and voter ID card that petitioner edited actually belongs to Kailash (husband of Manju, sister-in-law). It is further submitted that on the basis of false information and forged and fabricated documents, the petitioner was issued passport No. F2911333 valid from 30.03.2005 to 29.03.2015, by passport office, Bhikaji Cama Place, Delhi. It is further submitted that after expiry of the above passport, he got a new passport bearing No. N5299438 dt. 30.11.2015 from Jaipur Passport Office, at his actual address i.e. H.N. 619, Vinoba Basti, Sri Ganganagar, Rajasthan in continuation to his previous passport.

12. It is further submitted by the Ld. ASG that on enquiry, the matter was sent to Superintendent, Regional Passport Office (RPO), Bhikaji Cama Place, R.K. Puram Delhi by SP, Sri Ganganagar vide its office letter dt. 17.6.2019. He further submitted that Senior Superintendent (Policy), Regional Passport Officer, Delhi filed a complaint dt. 15.12.2020 to the DCP, South West Delhi for registration of FIR against the petitioner for furnishing false information, suppressing information regarding criminal case(s) registered against him and furnishing fake/forged tempered documents.

13. It is further submitted that during the course of the investigation requisite certified documents i.e. passport application form, documents produced at the time of submission of said application and copy of

police enquiry report received from SP Office of Sri Ganga Nagar were received from the Regional Passport Office, R.K. Puram. It is further submitted that Superintended (Policy) RPO, Delhi also replied in connection with 91 Cr.P.C. notice that the original passport application form/file was submitted manually, duly declared and signed by the petitioner on 20.01.2005.

14. It is further submitted that credential of Voter Card dated 29.12.1995 attached with the application form was got verified from AERO office, Rajender Nagar, Delhi and the same was found to be not issued to the petitioner and it was found in the name of one Kailash who is the husband of Manju.

15. It is further submitted that copy of school transfer certificate No. 260, admission No. 35, dated 06.04.1973 in the name of petitioner issued by the principal of Govt. Higher Secondary School Bibirani, Alwar, Rajasthan which was attached with the passport application form was also found to be forged. It is further submitted that the petitioner has 16 previous involvements against him.

16. It is further submitted by the Ld. ASG that the petitioner has travelled at least 4 times on the basis of the passport, he got prepared on the basis of forged and fabricated documents. It is further submitted that the self attestation of the documents only started in the year 2014 and prior to this copies of documents to be submitted alongwith the

application form were required to be attested by a gazette officer and not required to be self attested. It is further submitted that the documents in question i.e. voter card and school transfer certificate which were submitted alongwith the application form of passport are attested and signed in the name of some Avtar Singh, but stamp is not clear but he appears to be a government officer as required for the same.

17. It is further submitted that since the petitioner was a history sheeter in 2005, he was aware that he would not be issued passport at his Ganga Nagar address, so he used false and fabricated documents for the issuance of passport. It is further submitted by the Ld. ASG that the petitioner alongwith the petition has attached copies of certain documents and the address on the Rashan Card filed alongwith the petition is ambiguous and misleading. It is further submitted that Sr. Supdt. RPO, Delhi has replied in connection with notice U/s 91 Cr.P.C that the petitioner signed on the declaration made at the bottom of the passport application that the information given in the application form was true, so he was solely responsible for the accuracy and genuineness of the documents submitted by him while applying passport in the year 2005.

18. It is further submitted by the Ld. ASG that the petitioner has mentioned about certain RTI applications but all the RTI applications

have been filed before the Passport Office Jaipur whereas passport in question has been issued by R.P.O, R.K. Puram, Delhi. It is further submitted by the Ld. ASG that custodial interrogation of the petitioner is required to recover the original passport issued on the basis of forged documents, which is required to obtain information about his travel history; to unearth the motive of the petitioner behind the foreign visits during that particular period of time; to recover forged documents i.e. voter card and transfer certificate of school; to unearth the conspiracy as to what was the urgency for the petitioner for obtaining the passport on forged and fabricated documents and to further inquire about the stamp of Avtar Singh by which copy of the forged and fabricated voter card and school transfer certificate were attested.

19. The petitioner in the instant case is seeking grant of anticipatory bail and as far as the question of applicability of Section 12 of the Passport Act is concerned, the same can be taken up by the petitioner at the time of arguments on charge and this is not a petition where the petitioner is seeking quashing of FIR in question.

20. In the instant case, the complaint was lodged by one Avtar Singh Sunner which was sent to SHO PS Kotwali, Sri Ganganagar Rajasthan vide SP office, letter dated 29.08.2018 for enquiry. The present case is based on documents and the documents are already in the custody of the prosecution. From the records of this case, it is evident that the

petitioner has already handed over his original passports issued in the year 2005 as well as issued in the year 2015 in compliance of the letter dated 25 July, 2019 issued by the passport office Jaipur, so it cannot be said that the custody of the petitioner is required for the purposes of recovery of these passports.

21. One of the other contention of the prosecution is that they wanted to know the purpose of the visits of the petitioner abroad for which the custody of the petitioner is required. As far as this question is concerned, in my opinion, this has also no force as nothing has been placed on record to show that the petitioner has indulged in illegal activities while he was abroad and there is also nothing on record to show that he has any connection with any terrorist organization.

22. The prosecution has placed on record list of 16 cases against the petitioner and out of which 5 cases have resulted in compromise and he has been acquitted in 5 cases. In one case charge could not be framed. He has been convicted in 2 cases and the conviction relates to the year 1994 and 2012 as per the data given by the prosecution. Three cases are pending trial including the present case.

23. The prosecution has also placed on record the travel history of the petitioner on the passport bearing No. F2911333 which according to the prosecution he has got prepared on forged documents. The details show that the last travel undertook by the petitioner was on

05.03.2013 and he came back on 09.03.2013 but it has not been mentioned in the said history as to which place the petitioner has visited, details of which could be found in the passport. The petitioner has not undertaken any foreign trip after 09.03.2013 as per the prosecution. The prosecution has failed to place on record any illegal activity on the part of the petitioner which could be detrimental to the security of the State and the fact remains that the petitioner has not travelled abroad after 2013 as per the prosecution and it is pertinent to note here that nothing has been placed on record by the prosecution that during the period the petitioner travelled abroad some incidents took place in the country in which the petitioner played a role or any offence involving the security of the State took place after 2013 involving the petitioner.

24. In view of the discussions mentioned hereinabove, and having regard to the facts and circumstances of this case, the application is allowed and it is ordered that in the event of arrest, the petitioner be released on anticipatory bail on his furnishing a personal bond in the sum of Rs. 50,000/- with two sureties each of the like amount to the satisfaction of the IO/SHO concerned. However, the petitioner is directed to join the investigation as and when called by the IO. The application is disposed of accordingly.

25. Nothing stated hereinabove shall tantamount to the expression of any opinion on the merits of this case.

**RAJNISH BHATNAGAR, J**

**SEPTEMBER 03, 2021**

*Sumant*

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