



\$~24

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 2239/2024**

FATEHJIT SINGH

.....Petitioner

Through: Mr. Ashwin Vaish, Advocate.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Aman Usman, APP for State with
Insp. Satish Yadav, PS: IGI Airport.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

%

03.07.2024

CRL.M.A. 18989/2024

Exemption allowed, subject to just exceptions.

Application stands disposed of.

BAIL APPLN. 2239/2024

1. Application under Section 438 read with Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been preferred on behalf of the petitioner for grant of anticipatory bail in FIR No. 0185/2024, under Sections 420/468/471/34 IPC and Section 12 of Passports Act, 1967, registered at P.S.: IGI Airport.
2. Issue notice. Learned APP for State appears on advance notice and accepts notice.
3. In brief, as per the case of prosecution, the aforesaid FIR was registered on complaint of HC Devender, since co-accused Gurpreet Singh was deported from Kazakhstan to IGI Airport, New Delhi, on the ground that some pages in his Indian Citizen Passport dated 02.12.2021 to 01.12.2031 were missing.



4. During investigation, Gurpreet Singh disclosed having contact with an agent named Sultan Singh, who is the owner of immigration office running in the name and style of M/s Global Visa Solutions SCO-24, Amritsar, Punjab and assured him to arrange donkey route to USA. The deal was finalised and part amount was paid to Sultan Singh. Thereafter, Gurpreet Singh met another agent namely Fatehjit Singh (petitioner) through Sultan Singh and amount of Rs. 10 lakh was handed over to Fatehjit Singh by Sultan Singh. An attempt was made for illegal entry of Gurpreet Singh through various routes, but the same could not be fruitful and finally arrangements were made for sending Gurpreet Singh to USA via Tashkent. However, Gurpreet Singh was deported back on account of missing pages in his passport.

5. Learned counsel for petitioner submits that the petitioner is a singer and has clean past antecedents. He further points out that co-accused Gurpreet Singh as well as Sultan Singh have already been released on bail and there is no substantial evidence against the petitioner. It is further emphasised that since notice under Section 41A Cr.P.C. was sent to the petitioner, the same reflects that custody of petitioner is not required. Learned counsel for petitioner further contends that the offence of forgery is not disclosed against the petitioner merely on account of alleged removal of pages from the passport.

Reliance is further placed on ***Sushila Aggarwal vs. State (NCT of Delhi)***, (2020) 5 SCC 1 and ***State of Haryana vs. Dharamraj***, 2023 SCC OnLine SC 1085 and also on a paper cutting dated 14.03.2024.

6. On the other hand, learned APP for State vehemently opposes the application and submits that the name of petitioner was revealed in the initial disclosure report and has been evading to join the investigation despite



service of notice under Section 41A Cr.P.C. He further submits that non-bailable warrants have been issued against the petitioner and custodial interrogation is required to unearth the scam and plug the donkey routes.

7. I have given considered thought to the contentions raised.

There is no dispute so far as the proposition of law is concerned as referred in the judgments relied by learned counsel for petitioner. Admittedly, there is a deep nexus of illegally sending innocent persons abroad through donkey routes. The same is apparent in view of repeated failed attempts undertaken by Gurpreet Singh to travel illegally to USA with the help of VISA agents. The allegations against the petitioner were disclosed during the initial investigation itself, but the petitioner failed to join the investigation despite service of notice under Section 41A Cr.P.C.

This Court is of the considered opinion that considering the facts and circumstances of the case, custodial interrogation of the petitioner is imperative. For the foregoing reasons, no grounds are made out for releasing the petitioner on anticipatory bail. Application is accordingly dismissed.

ANOOP KUMAR MENDIRATTA, J.

JULY 03, 2024/R