



\$~4

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

+ **BAIL APPLN. 2512/2024, CRL.M.(BAIL) 1197/2024**

PARVINDER SINGH

.....Petitioner

Through: Mr. Aadil Singh Boparai, Mr. Sachin Kumar, Ms. Pragya Dhoundiyal, Mr. Abhishek Dubey and Ms. Riddhi Goyal, Advs.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Ms. Meenakshi Dahiya, APP for the State with SI Amit Kumar, PS IGI Airport

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

11.12.2024

%

1. The present anticipatory bail has been filed on behalf of the petitioner in case FIR No. 228/2023 dated 12.04.2023 registered at PS IGI Airport, for offences punishable u/s 420/468/471 of the IPC.
2. Learned counsel for the petitioner submits that the petitioner has not been named in the FIR and hence his name has appeared only in the statement of co-accused.
3. Learned counsel for the petitioner submits that the petitioner is merely a travel agent and has booked ticket for the named accused Vansh. Learned counsel also submits that pursuant to the order of this Court, petitioner has joined the investigation as and when directed.
4. Learned Additional PP has vehemently opposed the bail application. Learned Additional PP submits that during the investigation it is



transpired that there were certain WhatsApp chat between Jitender Singh Gill and the petitioner. Learned APP also submits that during the investigation, the petitioner has given evasive replies.

5. Briefly stated that the present case was registered on the complaint of Immigration officer that in the intervening night of 11-12th April, 2023, one Indian male passenger namely Vansh S/o Devi Singh arrived from Thailand at IGI Airport, New Delhi vide flight no. 6E-1054 as a deportee. The passenger had departure from Bangalore Airport on 27.01.2023 by flight no. 6E0752 for travelling purposes.
6. The scrutiny of the present documents indicated that page no. 6 and 7 of his passport no. W8371866 were tempered by use of chemical so as to erase stamps of Malaysian Immigration and Thai Immigration which is in violation of Indian Passport Act.
7. During the course of investigation, Vansh disclosed that Ritesh has promised him to send to Australia against consideration of Rupees 12 lacs. It was also disclosed that Ritesh further informed him about another agent namely Jitender Singh Gill living in Johor Baru, Malaysia. Vansh allegedly transferred some amount from these accounts.
8. During investigation, Ritesh did not join investigations and absconded. However, he was detained at Mumbai airport on 24.02.2024 after LOC was issued. Ritesh disclosed that he knew Vansh as they belong to the same village and acted as in intermediate since he introduced and briefed his another agent Jitender Singh Gill.
9. Accused Jitender Singh Gill was arrested on 21.05.2024 and during investigation it was disclosed that he came into contact of present



petitioner at his instruction started providing logistic support to the passengers who are intending to visit Malaysia. Jitender Singh Gill further disclosed that petitioner used to arrange donkey route for Malaysia and further remains that the petitioner used to sign passenger to Thailand and thereafter to Malaysia for illegally crossing the Border.

10. The prosecution has opposed the bail application on the ground that co-accused Jitender Singh Gill has shown certain whatsapp chat to indicate that there was working and constricting of the present petitioners. As per the analysis of whatsapp chat, there is conversation between Jitender Singh Gill and the petitioner, which is suggestive of the fact that petitioner is involved in overall conspiracy.
11. The bail application has also been opposed on the ground that number of Jitender Singh Gill was found saved in the mobile of the present petitioner.
12. It is a matter of record that the name of the present petitioner has appeared in the disclosure statement of Jitender Singh Gill. It is not disputed that the petitioner has joined the investigation, however the prosecution feels that they have not got the desired results. The case is based on documentary evidence. The allegations are based on documentary evidence and accused will not flee from justice and tamper the evidence as same is in the custody of investigation agency.
13. In ***Sidharam Satlingappa Mehre vs. State of Maharashtra and Others***. (2011)1 SCC 604, the Apex Court considered the scope and object of the provisions of Section 438 of Cr.P.C. inter-alia held as under: -



“14. It is clear from the Statement of Objects and Reasons that the purpose of incorporating Section 438 in CrPC was to recognize the importance of personal liberty and freedom in a free and democratic country. When we carefully analyze this section, the wisdom of the legislature becomes quite evident and clear that the legislature was keen to ensure respect for the personal liberty and also pressed in service the age-old principle that an individual is presumed to be innocent till he is found guilty by the court.”

The aspect of personal liberty was also considered by the Apex Court inter alia observing as under:

“36. All human beings are born with some unalienable rights like life, liberty and pursuit of happiness. The importance of these natural rights can be found in the fact that these are fundamental for their proper existence and no other right can be enjoyed without the presence of right to life and liberty. Life bereft of liberty would be without honour and dignity and it would lose all significance and meaning and the life itself would not be worth living. That is why 'liberty is called the very quintessence of a civilized existence.'”

14. In view of the facts mentioned above and taking into account the facts and circumstances, in the event of arrest, the applicant be admitted on anticipatory bail on furnishing personal bond of Rs. 20,000/- with one surety of the same amount, subject to the satisfaction of the learned Trial Court subject to verification of his address and subject to the following conditions:

- a) the Petitioner shall cooperate in the investigation and appear before the Investigating Officer of the case as and when required;
- b) the Petitioner shall under no circumstances leave India without prior permission of the Court concerned;
- c) the petitioner shall report to concerned SHO/IO once in a



month;

- d) the Petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;
- e) the Petitioner shall provide his mobile number(s) to the Investigating Officer and shall keep it operational at all times;
- f) In case of change of residential address and/or mobile number, the Petitioner shall intimate the same to the Investigating Officer.

15. With the above directions, the present application stands disposed of.

DINESH KUMAR SHARMA, J

DECEMBER 11, 2024/tp/ht