



2024:DHC:163



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

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Reserved on : 15.12.2023

Pronounced on : 10.01.2024

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BAIL APPLN. 3674/2023 & CRL.M.A. 29973/2023

SHRI LALAN KUMAR

..... Petitioner

Through: Mr. N. Hariharan, Sr. Advocate with
Mr. Sanjeev Kumar Singh, Mr.
Kumar Dushyant Singh, Mr. Shighra
Kumar, Ms. Subhasri Jaganathan, Mr.
Bhisham and Mr. Devansh Shekhar,
Advocates.

versus

STATE (NCT OF DELHI)

..... Respondent

Through: Mr. Amit Ahlawat, APP for the State
with SI Anil, PS Seemapuri and Insp.
Kumar Santosh and SI Banwari Lal,
PS DCRS.

CORAM:

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

RAJNISH BHATNAGAR, J.

1. This is a petition filed by the petitioner under Section 438 Cr.P.C. seeking anticipatory bail in case FIR No. 24/2023 under Sections 420/468/471 IPC registered at Police Station Delhi Cantt. Railway Station.



2. In brief the facts of the case are that on 23.08.2023, Sh. Sushil Kumar Gupta, Supervisor/Delhi Cantt. Rly. Station Reservation Officer along with his colleague brought one person to the police station and reported that at about 4-4.30 PM, the said person whose name and address were ascertained on enquiry as Krishan Lal S/o Late Shankar Lal R/o RZ E-668/15A, Gali No.18C, Sadh Nagar, Palam Colony, Delhi, had approached the Reservation Office Counter No. 251 and purchased rail tickets using RTC (Rail Travel Coupon) from Delhi to Patna for four people. Krishan Lal further tried to book tickets for two individuals for return trip between Delhi to Patna on the strength of I-Card belonging to Anil Kumar Yadav, an Ex-MP. As the I-Card appeared to be fake, Lok Sabha Parliament Reservation Office was contacted and the Ex-MP informed that his I-Card was with him and the alleged person was committing fraud. Krishan Lal was found to be in possession of 9 Railway Travel Coupons Book and one railway ticket having PNR No. 2528833958 dated 25.08.2023. The documents found on Krishan Lal were taken into police possession through seizure memo and accordingly, the above case was got registered.

3. During the course of investigation, accused Krishan Lal was interrogated and after having sufficient grounds he was arrested in this case. He disclosed that he was working as a driver of Kanak Kumari W/o Lalan Kumar Yadav who was residing at C-14, Hari Nagar Ghanta Ghar, New Delhi. Lalan Kumar Yadav (Petitioner herein) used to send



him to book railway tickets. On 23.08.2023, the petitioner had handed over to him one I-Card of Ex-MP Anil Kumar Yadav and a request letter on the letterhead of “Mr. Lalan Kumar” a Member of the Bihar Vidhan Sabha which contained instructions for booking tickets for 3 persons. Furthermore, he also gave him two reservation forms for two persons for return journey from Delhi to Patna. In the said forms, particulars of passengers were Anil Kumar-46 years, Nasim Ahmed Khan-50 years and Sarwad Jhan Fatima-45 years.

4. Thereafter, search was conducted for the Petitioner-Lalan Kumar but his residence in Delhi was found locked and his permanent address at Flat No.204 Prem Kunj Apartment, Majar Gali, Sheikhpura, Patna, Bihar-800014 was also found locked. Repeated efforts were made to trace him but his residence was found locked. Pursuant to Notice u/s 91 CrPC, reply was received from Bihar Vidhan Sabha wherein it was mentioned that no person as Lalan Kumar had ever been a member of the Bihar Vidhan Sabha. Investigation was also conducted regarding the 9 RTC coupons recovered from accused Krishan Lal issued by Bihar Vidhan Sabha and all these coupons were found to be from different booklets.

5. I have heard the Ld. Senior counsel for the petitioner, Ld. APP for the State and perused the status report filed by the State.

6. Learned Senior counsel for the petitioner submitted that petitioner has been falsely implicated in this case and the allegations



made in the FIR have no relation with the petitioner. He further submitted that the case of prosecution is that accused-Kishan Lal used to work as a driver with the wife of the petitioner and merely on this basis the petitioner is being implicated as an accused in the instant FIR. He further submitted that no notice under Section 41 A of Cr.P.C has been served upon the petitioner and the police have neither contacted the petitioner at his permanent residential address of Bihar nor contacted him on his mobile number. He further submitted that no custodial interrogation is required in the facts and circumstances of the present case and the petitioner being a public figure has been visiting public places even in his home state and therefore, there is no occasion for petitioner to hide or evade the service of notice/summons. He further submits that Mr. Gulam Jilani Warsi has given an affidavit in which he has categorically stated that the said Railway coupons were given by him to the accused driver and the said railway coupons were neither stolen or misused nor any forgery has been committed by the alleged accused. It is pertinent to mention that the said ex-MLA has further stated in his Affidavit that on the very next day after the alleged date of incident i.e., 24.08.2023, he had also sent a WhatsApp message from his personal mobile number to the concerned Investigating Officer/SHO appointed in the FIR, stating that accused was authorized by him to get the railway tickets and that is why the railway coupons were handed over to the accused. He submitted that the former MLA, namely, Mr. Gulam Jilani Warsi on 25.08.2023 also wrote a letter to



the SHO, police station, Delhi Cantt. Railway Station stating that the accused driver was sent by him to the railway station on his authorization to book tickets from New Delhi to Patna with railway coupons which were issued by Bihar Legislative Assembly and subsequently, he had also written letters dated 31.08.2023 and 01.09.2023 to the SHO, Police Station - Delhi, Cantt. Railway Station, however, despite repeated written request from the Ex-MLA, the investigating officer failed to take record statement of Mr. Gulam Jilani Warsi despite the fact that he was ready to clarify the true and correct position with regard to booking of tickets.

7. Learned Senior counsel for the petitioner submitted that at this stage, it is important to point out that Sh. Anil Kumar Yadav (Ex. M.P.) vide his letter dated 18.10.2023 has also clarified to concerned SHO that he went to Delhi Cantt. Railway station for booking his tickets and while doing so he lost photocopy of his ID and other documents on the date of incident. Therefore, the allegation that accused Kishan Lal misused and forged the document of Sh. Anil Kumar Yadav is completely misplaced and false. Lastly, learned senior counsel for the petitioner submitted that the petitioner is joining the investigation as and when called by the IO, chargesheet has also been filed and thus, he may be granted anticipatory bail as custodial interrogation of the petitioner is not required.



8. On the other hand, Learned APP for the State submitted that in compliance of order dated 10.11.2023 passed by this Hon'ble Court, the petitioner has joined the investigation as and when required. He submitted that during investigation, petitioner has admitted that he had written the letter in question which was recovered from the possession of accused Kishan Lal and though he has joined the investigation but he did not answer the questions put to him as per line of investigation. Ld. APP for the State further submitted that this is a serious case where RTC coupons were misused by the petitioner and the recovery of the said coupons has been effected from accused Krishan Lal, furthermore, petitioner had never been an MLA but he still used letterhead claiming himself to be an MLA of Bihar Vidhan Sabha for obtaining railway tickets through RTC coupons and thus, he has cheated the Indian Railways and caused loss of revenue to Railway. He further submitted that by using RTC Coupons issued to people' representatives, petitioner obtained tickets for his personal benefit and caused loss to Government. He further submitted that the main chargesheet has already been filed and further chargesheet is yet to be filed after completion of investigation.

9. In the instant case, the only role assigned to the petitioner is that accused-Kishan Lal used to work as a driver with the wife of the petitioner and the petitioner had handed over to Kishan Lal one I-Card of Ex-MP Anil Kumar Yadav and a request letter on the letterhead of



“Mr. Lalan Kumar”, Member of the Bihar Vidhan Sabha which contained instructions for booking tickets for 3 persons. Moreover, there is nothing on record to show that the petitioner had misused and forged the I-Card belonging to Anil Kumar Yadav, an Ex-MP as vide the letter dated 18.10.2023 issued by Anil Kumar Yadav, he has also clarified to concerned SHO that he went to Delhi Cantt. Railway station for booking his tickets and while doing so, he had lost the photocopy of his ID and other documents.

10. Perusal of the status report shows that the petitioner has been joining the investigation as and when called, however, it is the contention of the Ld. APP for the State that the petitioner did not answer the questions put to him as per line of investigation, but the same appears to be a general statement. It is pertinent to note that all the evidence is documentary in nature and there are no allegations that the petitioner has tried to tamper with the evidence. Therefore, in these circumstances, the custodial interrogation of the petitioner is not required as nothing is to be recovered from him. Furthermore, chargesheet has also been filed in this case.

11. Keeping in view the entire facts and circumstances of the present case, the bail application is allowed and it is directed that in the event of arrest, the petitioner be released on anticipatory bail subject to his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like amount to the satisfaction of the concerned Arresting



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Officer/Investigating Officer/SHO. However, petitioner shall join the investigation as and when required by the Investigating Officer.

12. The bail application is disposed of in the above terms along with pending application.

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

RAJNISH BHATNAGAR, J

JANUARY 10,2024

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