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

\+ BAIL APPLN. 3517/2024

CHAMKOUR SINGH .....Petitioner

Through: Mr. Sunny Chauhan and Mr. Shafik Ahmed, Advs.

versus

STATE NCT OF DELHI .....Respondent

Through: Mr. Aashneet Singh, APP for State with Insp. Anjani Kumar Singh, PS Chanakya Puri.

CORAM:
HON'BLE MR. JUSTICE JASMEET SINGH

O R D E R

% **12.12.2024**

1. This is a petition seeking anticipatory bail in FIR No. 119/2024 dated 08.08.2024 under Sections 318(4)/336(3)/340(2)/61(2) of the Bharatiya Nyaya Sanhita, 2023 (BNS), registered at P.S. Chanakya Puri.

2. The FIR is registered by the US Embassy on the ground that one Mr. Rohit Kumar applied for a VISA and stated that he was an employee at 3BIT Solutions located at Mohali and gave a letter of appointment in this regard. Further, a bank balance statement of HDFC bank in his father's name, i.e. Sh. Satnam Singh, was submitted showing a balance of about Rs. 40 lakhs. However, during the interview Mr. Rohit Kumar stated that he has never worked with 3BIT Solutions and also admitted that the HDFC bank statement did not belong to his father. He informed the complainant that he received the documents from his VISA agent, i.e. the petitioner, from TAT

Immigration situated in Patiala for Rs. 1 lakh and would have to pay another Rs. 1 lakh if the VISA was issued. Hence, the FIR.

3. It is stated by Mr. Chauhan, learned counsel appearing for the petitioner that the petitioner has no role with TAT immigration and the same belongs to his wife, Mrs. Navdeep Kaur. He further states that the petitioner is a government servant and the documents, which are stated to be forged documents, have been procured by Mr. Rohit Kumar himself.

4. When the present petition was listed on 27.09.2024, interim orders were passed in favour of the petitioner.

5. Mr. Singh, learned APP for State has filed a status report, wherein it is stated that during investigation, Mr. Rohit Kumar disclosed that he met the petitioner at TAT Immigration (i.e. the company of the wife of the petitioner) regarding his US VISA studies and he assured all VISA processing and provided all forged documents in support of the VISA application. The petitioner also sought to charge Rs. 5 lacs for the VISA processing for which Rs. 1 lac was paid by Mr. Rohit Kumar.

6. In the present case, admittedly, the documents namely HDFC bank statement and the appointment letter of 3BIT Solutions are forged and fabricated. It is stated the petitioner has not been able to justify as to why a huge sum of Rs. 5 lacs was to be charged for VISA processing while the same is purely a procedural exercise and the VISA fee for the US Embassy ranges between Rs. 10,000/- to Rs. 15,000/-.

7. The respondent requires custodial interrogation of the petitioner to identify the source of forged and fabricated documents and to investigate the racket of fraud which is committed on the citizens as well as the US Embassy for grant of VISA.

8. Even though the petitioner has joined investigation now but as per the status report, initially during investigation, the petitioner switched off his mobile phone and did not appear when called to the TAT immigration office by the IO. Further, on being served a notice u/s 35(3) of BNSS, the petitioner did not join investigation on the allotted date of 23.09.2024. On 01.10.2024, the petitioner again failed to join the joint investigation to be done along with Mr. Rohit Kumar.

9. The Hon'ble Supreme Court in *Adri Dharan Das v. State of W.B., (2005) 4 SCC 303* has held that arrest forms a part of the investigation process and the court will not ordinarily interfere in the investigation of a crime. The operative portion reads as under:-

> *"**19.** Ordinarily, arrest is a part of the process of investigation intended to secure several purposes. The accused may have to be questioned in detail regarding various facets of motive, preparation, commission and aftermath of the crime and the connection of other persons, if any, in the crime. There may be circumstances in which the accused may provide information leading to discovery of material facts. It may be necessary to curtail his freedom in order to enable the investigation to proceed without hindrance and to protect witnesses and persons connected with the victim of the crime, to prevent his disappearance, to maintain law and order in the locality. For these or other reasons, arrest may become an inevitable part of the process of investigation. The legality of the proposed arrest cannot be gone into in an application under Section 438 of the Code. The role of the investigator is well defined and the jurisdictional scope of interference by the court in the process of investigation is limited. The court ordinarily will not interfere with the investigation of a crime or with the arrest of the accused in a cognizable offence. An interim order restraining arrest, if*

passed while dealing with an application under Section 438 of the Code will amount to interference in the investigation, which cannot, at any rate, be done under Section 438 of the Code."

10. In view the above facts and circumstances, I am not inclined to entertain the present petition.

11. The petition is dismissed.

12. Interim order dated 27.09.2024 is vacated.

JASMEET SINGH, J

DECEMBER 12, 2024/*akc*

Click here to check corrigendum, if any