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

\+ BAIL APPLN. 4075/2024, CRL.M.A. 33619/2024

RAKESH KUMAR .....Petitioner

Through: Ms. Jahanvi Worah, Mr. Gaurav Singh, Mr. Anuj Singh, Mr. Hitesh Kumar, Advs.

versus

STATE GOVT OF NCT DELHI .....Respondent

Through: Ms. Meenakshi Dahiya, APP for the state

CORAM:
HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

% **25.11.2024**

1. The present petition has been filed seeking regular bail in case FIR No.360/2019 registered under Sections 419/420/468/471 of the IPC and Sections 7/13 of the Prevention of Corruption Act, 1988.
2. Brief facts of the case of the prosecution as per the status report is that on December 18, 2019, a complaint along with its annexures was received from the office of the Deputy Commissioner of Police, Special Branch. ACP Vigilance, Mr. Vijay Kumar Nagar, conducted an inquiry and leveled allegations against six police officials of the Special Branch and 343 individuals who allegedly procured Indian passports using forged documents. It was alleged that the 343 passport holders conspired with associate agents and certain police officials who cleared their Police Verification Reports (PVRs). Following

approval, the case was transferred to the Crime Branch. During the investigation, the addresses provided by the accused applicants in their passport applications were visited and it was discovered that while most of the addresses existed, the accused persons had never resided there. Statements of property owners and tenants at these addresses were recorded under Section 161 Cr.P.C. The documents attached to their applications, such as Aadhaar cards, Voter IDs, PAN cards, bank passbooks, school leaving certificates, and birth certificates, were found to be false/forged. Similarly, the PVRs cleared by the accused police officials were found to be false. Due to concerns that the accused persons might flee the country, Look-Out Circulars (LOCs) for the 343 accused individuals were issued through FRRO, New Delhi.

One accused, Tarlok Singh, was intercepted at IGI Airport due to an active LOC and was subsequently arrested. Four additional accused passport holders—Nirvar Singh, his wife Manmeet Kaur, Hardev Singh, and his wife Surbir Kaur—were intercepted at Mumbai Airport and arrested. The sixth accused, Harinder Singh, was apprehended based on information provided by Hardev Singh during police custody. Additionally, one child in conflict with law Sunmeet Kaur (daughter of the late Nirvar Singh), was also apprehended, and a Preliminary Inquiry Report was filed before JJB-1, Kingsway Camp, Delhi.

Thereafter, the charge sheet with sufficient evidence was filed and Ex-SI Ramesh Kumar, accused of clearing 234 PVRs while serving as an Area Officer for Outer-North Zone and Rohini Zone, was arrested on September 23, 2024. During interrogation, he disclosed his involvement with the applicant herein Rakesh Kumar, whom he allegedly met through their mutual acquaintance namely Pradeep Kumar Jain, as a visa consultant. The applicant herein allegedly offered monetary incentives to Ex-SI Ramesh Kumar (dismissed) to clear the passport verification forms of his clients. Ex-SI Ramesh Kumar (dismissed) admitted to clearing verification reports of applicants referred by Rakesh Kumar and stated that he often met the applicant outside his office where the applicant herein used to bring documents and witnesses for verification and if witnesses were unavailable, applicant herein - Rakesh Kumar and Pradeep Kumar Jain would sign on their behalf.

Applicant herein was arrested on September 26, 2024, based on the above information provided by Ramesh Kumar. Applicant disclosed that he operated a visa consultancy business from his residence and revealed that he had a second marriage with one Mrs. Rekha, an Afghan-origin resident of Germany, who sought Indian passports for her relatives in Delhi. Through Pradeep Kumar Jain, Rakesh Kumar befriended Ramesh Kumar and offered money in exchange for clearing passport verifications. His disclosures corroborated the statements made by Ramesh Kumar regarding their collusion in the fraudulent passport verification process.

3. Learned counsel for the petitioner submits that only evidence against the petitioner is in the form of the disclosure statement of Ex- SI Ramesh Kumar (dismissed) and his own disclosure statement. Learned counsel for the petitioner submits that the investigation qua

the present petitioner has also already concluded and there would be no purpose in keeping the petitioner in the custody.

4. Learned APP for the State has vehemently opposed the bail application and submits that it is a very serious case where the dismissed police official SI Ramesh Kumar in conspiracy with the present petitioner got a large number of passports verified.
5. Learned APP submits that on the basis of such forged police verification report, the passports were issued and many persons might have misused these passports for illegal purposes. Learned APP submits that taking into account the gravity of the offence, the petitioner may not be granted the bail.
6. The perusal of the status report filed by the prosecution indicates that the present petitioner was arrested on the basis of the disclosure of dismissed Sub Inspector Rakesh Kumar. The evidence against the petitioner, as detailed in paragraphs 4 and 5 of the status report, is as under:

> *4. That after finding sufficient evidences against accused Ex. SI Ramesh Kumar, who cleared 234 Passport verification reports while posted as Area Officer of Outer-North Zone and Rohini Zone was arrested on 23.09.2024. He disclosed that he had come in contact with one Rakesh Kumar through his known Pradeep Kumar Jain. Pardeep Kumar Jain was known of Rakesh Kumar and accused Ramesh Kumar, who is dismissed SI of Delhi Police. Accused Rakesh Kumar (Petitioner) further introduced himself to him that he is in business of getting VISA and facilitation to obtain passports. Accused Rakesh Kumar (petitioner) also offered money to him for clearing the passport verification forms of his clients. Accused Ex. SI Ramesh Kumar accepted the offer and started clearing the*

passport verification reports of alleged passports/applicants. Referred by petitioner Rakesh Kumar, they also connived with each other and used to meet outside his office. Accused Rakesh Kumar (petitioner) used to bring documents and witnesses for verification. In case, the witnesses were not available then he used to get signature of accused Rakesh Kumar (Petitioner) and Pradeep Kumar Jain for completing the formalities. In lieu of the clearing of the passport verifications of those passport applicants accused Rakesh Kumar used to pay money to Accused Ex. SI Ramesh Kumar.

5. That accused agent Rakesh Kumar (Petitioner) has been arrested in this case on 26.09.2024, at the instance of accused Ramesh Kumar. He disclosed that he operates his Visa Consulting office from his house. He further disclosed that during VISA consultancy, he came in contact with one Mrs. Rekha origin of Afghanistan and residing in Germany. Later on, he had solemnized second marriage with her. He further disclosed that relatives of Rekha were residing in Delhi, for whom she wanted to obtain Indian Passports. Petitioner/accused become close to accused Ramesh Kumar as he met accused Ramesh Kumar through his friend Pradeep Kumar Jain and after getting friendly with accused Ramesh Kumar, he offered him money, in lieu of clearing the Passport verification reports of his clients. Petitioner/Accused disclosed on the same line as disclosed by accused Ex. SI Ramesh Kumar.

7. Learned APP has also submitted that out of all the police verification reports cleared by the accused Ramesh Kumar, 34 were identified as the clients of the applicant and out these reports, the present accused was found to have signed as a witness in 20 of them.
8. It is a settled rule that the Court at the stage of the bail cannot hold mini trials and has to see only the prima facie case as produced by the

prosecution. It is pertinent to mention here that the present petitioner was arrested on the disclosure of Ramesh Kumar. The allegations against the petitioner is that he in conspiracy with the dismissed SI Ramesh Kumar helped him in preparing false and forged passport verification report. Thus predominantly the evidence against the petitioner is disclosure statement of co-accused and his own disclosure statement. In addition there are 20 PVR forms on which petitioner has signed as a witness. Thus primarily no further recovery is to be effected and investigation qua petitioner has stood concluded.

9. In view of the facts and circumstances, the petitioner is admitted to regular bail on furnishing a personal bond in the sum of Rs. 25,000/- with two sureties of the like amount to the satisfaction of concerned learned Trial Court, subject to the verification of address and subject to the following further conditions:
    a. the petitioner shall regularly appear before the IO/trial court as and when directed;
    b. the petitioner shall not directly or indirectly make any inducement, threat, intimidate or tamper with any person acquainted with the facts of the case;
    c. the petitioner shall remain available on the address, to be given to the IO and shall not leave the country without the permission of the learned Trial Court;
    d. In case of change of residential address and/or mobile number, the petitioner shall intimate the same to the Investigating Officer/ Court concerned by way of an affidavit.

10. In view of the above, the bail application along with pending

application stands disposed of.

11. Copy of the order be sent to concerned Jail Superintendent for necessary information and compliance.

DINESH KUMAR SHARMA, J

NOVEMBER 25, 2024

Pallavi/Smg