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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 458/2025**

BHUPENDRA SINGHPetitioner
Through: Mr. Ashish Batra and Mr. Anukirat
Singh Baweja, Advocates.

versus

STATE NCT OF DELHIRespondent
Through: Mr. Sanjeev Bhandari, ASC with Mr.
Nikunj Bindal, Advocate for State
with Mr. Kirnail Singh, ACP and Mr.
Dinesh Kumar, ASI for ACB.

CORAM:
HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **11.02.2025**

CRL. M.As. 4139-40/2025 (Exemption)

1. Exemption allowed, subject to all just exceptions.
2. Application stands disposed of.

W.P.(CRL) 458/2025 & CRL.M.As. 4138/2025

3. The present petition under Article 226 and 227 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) has been filed seeking quashing of the impugned notice dated 31.01.2025 issued by the officer of the Respondent under Section 160 of the Code of Criminal Procedure, 1973 (Cr.P.C.) in FIR No. 05/2023 dated 28.04.2023 registered at P.S. ACB/GNCTD for offences under Sections 7/13 (2) Prevention of Corruption Act, 1988 read with Sections 419/420/467/468/469/471/511/120-B/34 of the Indian Penal Code, 1860, along with consequential proceedings arising therefrom.



4. Learned counsel for the Petitioner states that the Petitioner has been served with a notice dated 31.01.2025 with a direction to join investigation on 11.02.2025 at Anti-Corruption Branch, Vikas Bhawan-II, Civil Lines, Delhi.

4.1. He states that the Petitioner is a resident of Ajmer, Rajasthan and has clean antecedents. He relies upon the judgment of the Coordinate Bench of this Court in **Kulvinder Singh Kohli v. State of NCT of Delhi & Others¹**, and **Jamshed Adil Khan & Another v. Union Territory of Jammu and Kashmir and Another²** to content that since the Petitioner's location falls outside the jurisdiction of the concerned Police Station, therefore, Respondent could not have issued the impugned notice under Section 160 of Cr.P.C.

4.2. He states that the Petitioner is a permanent resident of Ajmer, Rajasthan. He states however that the Petitioner remains ready and willing to appear for interrogation by the Respondent at the local Police Station in Ajmer, Rajasthan having jurisdiction over his residence.

5. Issue notice. Learned ASC appearing on behalf of State accepts notice.

6. He states that the matter pertains to interrogation with respect to illegal refund of GST amount by accused, wherein the trace of the money has been found in the hands of the Petitioner herein.

6.1. He states that while there can be no dispute about the judicial pronouncements relied upon by the Petitioner, he has instructions from the ACP who has issued the notice, to state that the Petitioner may join the

¹ 2022 Online Del 1766

² 2022 SCC Online Del 4870



proceedings on 12.02.2025 through Video Conferencing (VC). He states that the time and the VC link will be sent to the Petitioner's mobile number mentioned in the impugned notice, from the mobile number of the ACP indicated in the impugned notice.

7. Learned counsel for the Petitioner states that the aforesaid proposal of joining the investigation through VC is acceptable to the Petitioner.

8. The aforesaid statements of Petitioner and Respondent are taken on record.

9. The Petitioner shall join the investigation through VC, tomorrow i.e., 12.02.2025.

10. It is further directed that in case the Petitioner is required for further investigation after 12.02.2025, he will join the investigation through VC on the date and time notified by the concerned ACP. And, in case the ACP seeks to physically interrogate the Petitioner, the ACP shall visit the Petitioner in Ajmer, Rajasthan in accordance with law.

11. With the aforesaid directions, this petition and applications are disposed of.

12. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as a certified copy of the order for the purpose of ensuring compliance. No physical copy of order shall be insisted by any authority/entity or litigant.

MANMEET PRITAM SINGH ARORA, J

FEBRUARY 11, 2025/v/MG