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

+ **W.P.(CRL) 755/2025**

SHIVAM

.....Petitioner

Through: Counsel (appearance not given)

versus

THE STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Sanjeev Bhandari, ASC for State
along with Mr. Arjit Sharma,
Advocate and Mr. Nikunj Bindal,
Advocate

(71)

+ **W.P.(CRL) 765/2025**

PRADEEP SINGH

.....Petitioner

Through: Counsel (appearance not given)

versus

THE STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Sanjeev Bhandari, ASC for State
along with Mr. Arjit Sharma,
Advocate and Mr. Nikunj Bindal,
Advocate

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

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05.03.2025

CRL.M.A. 7012/2025 (exemption) in W.P.(CRL) 755/2025

CRL.M.A. 7118/2025 (exemption) in W.P.(CRL) 765/2025

1. Allowed, subject to all just exceptions.



2. Applications stand disposed of.

W.P.(CRL) 755/2025 & CRL.M.A. 7011/2025

W.P.(CRL) 765/2025 & CRL.M.A. 7117/2025

3. By way of these petitions filed under Article 226 of the Constitution of India, the petitioners seek pre-arrest/anticipatory bail in FIR No. 0518/2024, registered under Sections 3/4 of the Maharashtra Control of Organized Crime Act, 1999 [hereafter '*MCOCA*'] at Police Station Samaypur Badli, Delhi.

4. Briefly stated, facts of the case are that the instant FIR case registered on the complaint of Sh. Rishi Kumar, IPS, ACP Sub-Division Samaypur Badli, District Outer North, Delhi, with the prior approval of Additional Commissioner of Police, Northern Range. It is alleged that in 2015, Mohan Singh @ Monu, the brother of petitioner Shivam, and brother in law of petitioner Pradeep, had come into contact with local goons and had started committing crimes. Thereafter, he was arrested in FIR No. 1218/15, registered for offence under Sections 397/392/395/412/34 of the Indian Penal Code, 1860 [hereafter '*IPC*'], at P.S. Samaypur Badli, Delhi. It is alleged that Mohan Singh has been regularly involved in various criminal activities along with his real younger brother namely Sanjay Singh @ Sonu and other members of his organized crime syndicate. Further, it is alleged that accused Mohan Singh @ Monu had created an organized crime syndicate with his family members, who play a pivotal role in the gang by controlling activities of organized crime syndicate, and these members include Sanjay Singh @ Sonu, Arjun Singh, and petitioner Shivam (all brothers of Mohan Singh @ Monu). It is alleged that they had created havoc in the area by committing a series of sensational crimes including



dacoity, attempt to murder, robbery, extortion, theft, burglary, criminal intimidation, assaulting police officials, illegal liquor supplying, and offences under the Arms Act, Excise Act, etc. It is stated that accused Sanjay Singh @ Sonu is involved in 6 cases whereas accused Mohan Singh @ Monu is involved in 13 cases, and they have amassed huge amounts of movable (about 10 vehicles) and immovable properties (about 04 properties) out of their ill-gotten money, either in their name or in the name of their family members. During the arrest and police custody remand of accused Sanjay Singh @ Sonu, his house was searched and documents pertaining to some immovable properties were recovered.

5. As per status report, the investigation revealed that a property located at Khasra No. 660, Sultan Wali Gali, Rana Park, Siraspur, Delhi, was transferred to one Pankaj Singh through Phool Devi (mother of accused Sanjay Singh @ Sonu and Mohan Singh @ Monu) and Shivani (their sister). Pankaj Singh was served a notice to join the investigation, but he did not cooperate with the investigation, and claimed he had no connection with the accused's family and stated that he had purchased the property from a local dealer, Dilip Kumar. He was again served a notice, asking him to produce the property chain within a day; however, he neither appeared for the investigation nor provided the property documents. During the investigation, it was revealed that Pankaj Singh was the real cousin of accused Sanjay Singh @ Sonu and Mohan Singh @ Monu. It was further found that in 2018, Arjun Singh, along with his family members and associates, had purchased a vacant plot from one Rakhi Khurana for ₹23,00,000 in the name of his wife, Phool Devi, and daughter, Shivani. They later had built a three-storey building on the plot, consisting of 17 rooms. However, on 26.06.2024, Phool



Devi and Shivani had transferred the property to their close relative, i.e. Pankaj Singh, through a GPA for only ₹20,00,000/-, as directed by the accused. A government-approved valuer had later assessed the current market value of the property at ₹89,00,000/-. It was also found that Pankaj Singh did not pay any amount to the accused for this property, and the physical possession remained with the family of Sanjay Singh @ Sonu and Mohan Singh @ Monu. Having sufficient evidence, Pankaj Singh was arrested in the case on 25.01.2025.

6. During the investigation, it was also revealed that another property measuring at Plot No. 6, Kh. No. 540, Gali No. 6, Jeevan Park, Siraspur, Delhi, was transferred to one Geeta Devi, i.e. the mother of the petitioner Pradeep Singh. The transfer was done through Phool Devi (wife of Arjun Singh and the mother of accused Sanjay Singh @ Sonu and Mohan Singh @ Monu). Geeta Devi was served a notice to join the investigation, but she did not cooperate with the investigation, and claimed he had no connection with the accused's family, and that the property was purchased by her son, Pradeep, in her name. Later, another notice under Section 179 of BNSS was issued, asking her to join the investigation along with Pradeep, but both failed to appear and continued to evade the inquiry. It was further revealed that Geeta Devi is the mother-in-law of accused Mohan Singh @ Monu, which means Pradeep Singh is his brother-in-law.

7. In the meanwhile, during the arrest of co-accused Pankaj Singh, his mobile phone was seized by the police. Upon checking, a photo of a handwritten paper in Hindi, containing seven paragraphs, was found on his phone. During interrogation, Pankaj Singh revealed that the paper,



containing misleading facts, was given to him by the present petitioner Shivam (son of Arjun Singh) to mislead the police during questioning. He further disclosed that the paper was written by Shivani (daughter of Arjun Singh). Several notices under Section 179 of the BNSS were served to petitioners Shivam and Pradeep, asking them to join the investigation, but they failed to comply with the same. As a result, Non-Bailable Warrants (NBWs) and proceedings under Section 82 of Cr.P.C. were initiated against them by the concerned court. Similar action was also taken against their associates – Mohan Singh @ Monu and Arjun Singh.

8. The learned counsel appearing for the petitioners contends that the petitioners have been falsely implicated in the present case, and that there exists no nexus between them and their brothers who are co-accused. It is submitted that no ingredient of offence under MCOCA is fulfilled insofar as the petitioners are concerned, as there is no evidence of any continuing unlawful activity of organized crime syndicate. It is also stated that the approval for registration of present FIR has been accorded by the concerned authority without application of mind. It is argued that though Shivam has been named as an accused in one FIR alongwith his brothers, the petitioner Pradeep is not involved in any other case. The learned counsel further submits that in view of several decisions of Hon'ble Supreme Court and various High Courts, a writ petition is maintainable in case a person is apprehending arrest in case of MCOCA where no offence against the said person, even *prima facie*, is made out. Therefore, it is prayed that the petitioners be granted pre-arrest bail.

9. The learned ASC appearing for the State strongly opposes the present



writ petitions, and argues that the petitioners herein are actively involved in the organized crime syndicate so formed. It is contended that the investigation is at an initial stage and the custodial interrogation of the petitioners is required to unearth more movable and immovable properties acquired by the crime syndicate. It is further submitted that multiple notices were issued to the petitioners herein to join investigation; however, despite these notices, the petitioners failed to join investigation, leading to the issuance of NBWs and proceedings under Section 82 of Cr.P.C. It is contended that the material placed before this Court, by way of status report, is enough at this stage to show the active involvement of the petitioners in the organised crime syndicate. Therefore, it is prayed that the present petitions be dismissed.

10. This Court has **heard** arguments addressed on behalf of both the parties and has perused the material available on record.

11. Having carefully examined the material on record, this Court notes that insofar as the role ascribed to the petitioner Shivam is concerned, the investigation so far has revealed that he had played a crucial role in managing the finances of the organized crime syndicate by dealing with its movable and immovable properties. The material on record shows that the petitioner was actively involved in one FIR No. 96/23 registered for offence under Sections 307/427/34 of IPC and 27/54/59 of the Arms Act at P.S. Samaypur Badli, Delhi, along with his brothers Sanjay Singh @ Sonu and Mohan Singh @ Monu, for the purpose of deriving pecuniary gain through crime proceeds. Following the registration of present FIR under MCOCA on 28.05.2024, the petitioner had, allegedly, swiftly disposed of several



properties by transferring them in the names of his trusted relatives to evade legal scrutiny. The investigation has unearthed that the petitioner had purchased a second-hand Scorpio car (DL8CAP5937) for ₹8,25,000/-, which he later sold for ₹7,10,000/-, with ₹2,90,000/- from the sale proceeds being transferred into the account of petitioner Pradeep Singh (the brother-in-law of Mohan Singh @ Monu), thereby facilitating the circulation of crime proceeds. The petitioner Shivam is also alleged to have taken away the original documents of property bearing Khasra No. 660, Sultan Wali Gali, Rana Park, Siraspur, Delhi (measuring 100 square yards and consisting of three storeys), which had been executed by his mother, Phool Devi, and his sister, Shivani, in favour of Pankaj Singh, the brother-in-law of Mohan Singh @ Monu. Further, it is alleged that the petitioner had deliberately sought to mislead the investigation by providing a handwritten note in Hindi (containing seven paragraphs) to co-accused Pankaj Singh, containing false and misleading facts, intended to obstruct the investigation.

12. Insofar as the role ascribed to the petitioner Pradeep Singh is concerned, the investigation so far has revealed his active involvement in the money trail and disposal of movable and immovable properties linked to the organized crime syndicate. It is alleged that the petitioner Pradeep, who is the brother-in-law of accused Mohan Singh @ Monu, had played a key role in concealing and laundering crime proceeds. Following the registration of the MCOCA case on 28.05.2024, Pradeep had purchased a property bearing Plot No. 6, out of Kh. No. 540, Gali No. 6, Jeevan Park, Siraspur, Delhi, measuring 60 square yards, from Phool Devi (mother of accused Sanjay Singh @ Sonu and Mohan Singh @ Monu), in the name of his mother Geeta Devi, in an apparent attempt to camouflage the illicit nature of the



transaction. The investigation has further revealed that co-accused/petitioner Shivam had purchased a second-hand Scorpio car (DL8CAP5937) for ₹8,25,000/-, which was subsequently sold for ₹7,10,000/-. From the sale proceeds, ₹2,90,000/- was transferred into the bank account of petitioner Pradeep, which is alleged to be his direct involvement in receiving and concealing crime proceeds.

13. The investigation of the present case is at the initial stage, and it is clear that the custodial interrogation of the present petitioners would be necessary to unearth more movable and immovable properties acquired from the organized crime syndicate. Moreover, the petitioners herein have not cooperated with investigating agencies, and proceedings under Section 82 of Cr.P.C. have also been initiated against them.

14. Considering the gravity of the offence, the role of the petitioners and material against them at this stage, and also the fact that ordinarily, an accused is not entitled to grant of pre-arrest bail for offence under MCOCA [under Section 21(3) of MCOCA], and that no exceptional circumstances have been shown by the petitioners to reflect that they have no involvement in the activities of organized crime syndicate, this Court finds no ground to allow the present petitions.

15. At this stage, this Court deems it appropriate to mention that after arguing the matter for about 20 minutes and after hearing the other side and reverting the arguments of learned ASC for State, and when the order was announced by this Court that there was no ground to allow these petitions, the learned counsel for the petitioners prayed that the matter be adjourned for tomorrow. However, since the matter has already been heard and



decided, the matter cannot be adjourned for tomorrow.

16. In view thereof, the present petitions stand dismissed.

17. Nothing expressed hereinabove shall tantamount to an expression of opinion on the merits of the case.

18. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

MARCH 5, 2025/vc

[Click here to check corrigendum, if any](#)