



2025:DHC:9419



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

% Date of decision: 15th October, 2025+ CRL.M.C. 3313/2021, CRL.M.A. 1129/2025 & 1131/2025**GURMIT SINGH**S/o Pritam Singh,
R/o V.P.O Rukna Begu,
District Firozpur, Punjab.

.....Petitioner

Through: Ms. Harsimran Kaur Rai,
Mr. Harpuneet Singh Rai and
Ms. Priya Rathi, Advocates

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Shoaib Haider, APP for the State
with SI Jyoti Singh.**CORAM:****HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA****J U D G M E N T (oral)**

1. Present Petition under Section 482 of The Criminal Procedure Code, 1973 (*hereinafter referred to as "Cr.P.C."*) has been filed on behalf of the **Petitioner/Gurmit Singh** assailing Order dated 20.02.2020 passed by the learned ASJ in CR No.0843/2019, whereby learned ASJ has set aside Order dated 21.08.2019 of the learned MM discharging the Petitioner and has remanded the case for framing of Charges.
2. **Briefly stated**, FIR No.0344/2005 under Sections 419/420/468/471/120B of the Indian Penal Code, 1860 (*hereinafter referred to as "IPC"*) was registered at P.S. IGI Airport.
3. As per the case of prosecution, on 09.10.2005, the Petitioner was handed over by IC Wing, on deportation by Flight No.SU536. During the



alleged scrutiny of documents of the Petitioner, it was found that he had made an endeavour to travel on forged documents, from Moscow to Zurich and therefore the original Passport was handed over to the Petitioner and he was deported to India from Moscow.

4. After completing the investigations, Police filed Chargesheet in the Court, against the Petitioner and the co-accused Pawan Chadha, who was the Agent under Sections 419/420/468/471/120B IPC and under Section 12 of the Passport Act, 1967.

5. Learned ACMM, *vide* Order dated 21.08.2019, discharged the Petitioner as well as co-accused Mr. Pawan Chadha on the premise that the trial would be futile as there was no *prima facie* evidence against the accused persons and the entire case of the Prosecution was based on a photocopy of the Passport. No passport verification report had been obtained during the investigation by the concerned officials. In the absence of original Passport, no case was made out against the petitioner and the Petitioner was discharged.

6. Respondent State filed a *Revision Petition No.843/2021* before learned ASJ, *vide* impugned Order dated 20.02.2020 set aside Order of discharge dated 21.08.2019 passed by learned ACMM, and remanded the case for framing of Charge.

7. That impugned Order dated 20.02.2020 of learned ASJ, is assailed by the Petitioner *on the ground* that the same is cryptic and it has not been appreciated that a photocopy of document, in absence of original document, is inadmissible. It has also not been considered that prosecution agency has been acting selectively against the Petitioner, as it has not challenged the Order of discharge of the main accused Pawan Chadha.



8. Essential elements for establishing the offence under Sections 419/420/468/471/120B IPC, are not made out. Even if all the allegations against the Petitioner are taken in their entirety, no *prima facie* offence is disclosed under any of the sections. It has not been considered that the Passport which had been allegedly photo-substituted was ever recovered by the concerned Russian officers. Further, Prosecution Agency has not even got the impugned Passport verified from the concerned Authority.

9. It has also not been established that the Petitioner was in possession of the fake Passport which he allegedly procured by dubious methods, as except the inadmissible photocopy, the original Passport was never found in his possession. There is nothing on record to link the Petitioner to the allegedly forged Passport. It has not been considered that the Prosecution is required to prove its case beyond reasonable doubt and in the absence of original documents, it would be impossible to discharge this burden.

10. It has not been considered that the Petitioner is not a criminal and has not indulged in any criminal activity; rather he is a victim of circumstances. Learned MM *vide* its Order dated 21.08.2019 had rightly discharged the Petitioner and the co-accused.

11. *The impugned Order dated 20.02.2020 of learned ASJ is liable to be set aside.*

12. **Status Report has been filed on behalf of State**, wherein it is explained that on 09.06.2005, information was received from Complainant A. K. Paul, ACIO-II, Shift D, Immigration, IGI Airport in the Police Station, alleging that in the intervening night of 8/9.10.2005, during the immigration clearance of the Flight No.SU-535, I/C Wing, handed over a deportee Pax Gurmit Singh s/o Pritam Singh R/o Ferozpur, Punjab (Petitioner), who had



arrived in the Flight from Moscow.

13. During the scrutiny of the documents, it was found that the Pax had been departed from Moscow on 07.06.2005 for IGI Airport, New Delhi by Flight No.SU-535 on his original Passport No. F-742106 issued from Chandigarh, on 01.10.2004. On scrutiny of the deportation papers, it was found that after reaching Moscow, the Pax presented another ticket and Passport No. E-8585316 in the name of Shalini Prasad issued from Delhi Dated 23.04.2004 with Schengan Visa No.BNI-6715081, for travelling to Zurich.

14. On scrutiny of the Passport, the immigration authority of Russia found that the Passport presented by the Petitioner in the name of Shalini Prasad, was forged and that the Petitioner was having two Passports in his possession. The original passport was handed over to the Pax for his return journey to Delhi. The Russian Authority reportedly handed over the forged passport to him, but it could not be located in his possession except Photocopy of the forged passport and Visa attached with deportation papers. Present FIR no.0344/2005 was thus, registered.

15. During the course of investigation, accused was interrogated and he disclosed that he came in contact with one local *Avtar Singh R/o Kapurthala, Punjab* and he assured him that he can arrange the journey of the Pax for consideration of Rs.5,00,000/-. He sent the Pax to Bangkok on his genuine Passport. On 07.06.2005, he had gone to Moscow on his genuine Passport. In Moscow, he met an agent, who handed over to him the Passport in the name of Shalini Prasad, which was having the photo of Pax. When he was trying to board a flight in the name of Shalini Prasad, he was detained by the Russian Immigration and deported back to India.



16. After obtaining sufficient evidences against the Pax Sugmit Singh, he was arrested on 09.06.2025. During Police Custody Remand, accused Pax again disclosed that he was misleading during the investigation and told that he had not met Avtar Singh in Punjab, but he met him in Paharganj. He told that his journey was arranged through Avtar Singh and Pawan Chadha R/o Paharganj. The Passport of Shalini Prasad was prepared by Pawan Chadha. The ticket in the name of Gurmeet Singh and Shalini Prasad were also arranged by Pawan Chadha.

17. On the identification of Pax, agent Pawan Chadha was apprehended on 10.06.2005. During interrogation, he revealed that he had been working with Avtar Singh for the last six months. He told that he had arranged the ticket in the name Gurmeet Singh three times for Baku, Azerbaijan. On 06.06.20005, he got the ticket in the name of Shalini Prasad on her photo-substituted Passport and gave it to the Pax. On finding sufficient ground of arrest of accused agent, Pawan Chadha was arrested.

18. During further investigations, IO visited ticketing agent Lynx Tour & Travels and contacted one Dharmendra Mishra, who stated that Ticket No. 5555144058888 in the name of Shalini Prasad, was got issued by Pawan Chadha for Rs.29,457/- which he got issued from his parent client Transavia Airlines and handed it over to Pawan Chadha.

19. During further investigations, verification of Passport No.E-8585316 was done which was found in the name of a lady Shalini Prasad. On enquiry, Shalini Prasad stated that she her Passport was lost by her travel agent, while it has been submitted for getting Visas. An FIR was lodged and requisite letter was also submitted to the Passport Office for cancellation of the lost Passport. She also stated that she had never travelled on that Passport. She



supplied the relevant documents in which there was one letter dated 15.02.2004 addressed to RPO, Delhi with regard to loss of Passport. She also supplied the copy of FIR No.0048/2005 dated 10.02.2005 under Sections 379/34 IPC, registered at P.S. Inderpuri, Delhi.

20. Further investigations revealed that the Report of losing the Passport was made in the month of February, 2005 which clearly indicates that the Passport was not in possession of Shalini Prasad and had not been used by her. Although, the Pax had either destroyed or concealed the original Passport during his return deportation journey, but the deportation papers, which were having the photocopy of the Passport, which had photo-substituted and used by the Pax Gurmeet Singh, record of Ticketing agent, report of real Passport holder and recovery of original Ticket in the name of Shalini Prasad, substantiate the allegations and there is substantive incriminatory evidence against the Pax and agent Pawan Chaddha.

21. After completion of investigation, the Charge-sheet against both the accused was filed before the Court.

22. During trial, after hearing arguments on charge, learned ACMM discharged the accused persons, *vide* Order dated 21.08.2019, by observing that the photo-substituted Passport of Shalini Prasad bearing No.E-858316 was issued to accused/Petitioner Gurmit Singh to travel abroad. But the very basis of forgery has not been corroborated or even *prima facie* established during investigation by the Police. It was thus, concluded that there is no *prima facie* evidence on record against the Petitioner and he as well as co-accused Pawan Chadha, were discharged.

23. Against Order of learned ACMM dated 21.08.2019, Criminal Revision was filed under Sections 397/399 Cr.P.C. before learned ASJ, who



vide Impugned Order dated 20.02.2020 allowed the same and remanded back the case for trial in accordance with law.

Submissions heard and record perused.

24. It is a simple case where admittedly the Petitioner had travelled on his genuine passport to Bangkok and then to Moscow. It is also a case of the Prosecution that he got deported from Moscow to India, on his genuine passport.

25. The case according to the Prosecution is that the Petitioner had tried to travel from Moscow to Zurich on the passport of Shalini Prasad on which his photograph had been transposed, because it had a stamped Schengan Visa. The Petitioner attempted to travel from Moscow to Zurich, on the basis of this alleged fake passport.

26. However, pertinently the alleged original forged passport of Shalini Prasad with the photo transposed of the Petitioner has not been placed on record and only the photocopy of a genuine passport of Shalini Prasad was recovered on his arrival at the Airport in Delhi. According to the case of Prosecution, a ticket has also been purchased for travel from Moscow to Zurich. However, that ticket has also been confirmed to be in the name of Shalini Prasad.

27. The alleged fake photo-pasted passport was the one on which the Petitioner had tried to travel from Moscow to Zurich. Neither the photocopy nor the original of the alleged Photo-pasted Passport in the name of Shalini Singh, has found its place on the Chargesheet. Only the photocopy of original passport of Shalini Singh and not the photo pasted Passport having his Photograph, had been recovered from the possession of Petitioner, which does not amount to any offence. The Petitioner had his own original



passport on which he travelled, which is duly verified. Pertinently, it is significant to note that Petitioner is a male and there is no way he could he travel on the Passport of a Lady with his Photo pasted on a lady's passport.

28. The case of the Prosecution of attempt by Petitioner to travel from Moscow to Zurich on a forged passport of Shalini Prasad is only in the realm of allegation which is not corroborated or supported by any evidence whatsoever.

29. Therefore, even if the entire case of the Prosecution is admitted, there is neither any evidence, whether ocular or documentary evidence, to even *prima facie* show that the Petitioner ever made any endeavour to travel from Moscow to Zurich, on a fake passport of Ms. Shalini Prasad.

30. The learned MM has rightly discharged the Petitioner. The learned ASJ fell in error in observing that there was enough *prima facie* material on record to disclose an offence against the Petitioner.

31. The impugned Order of the learned ASJ suffers from a patent illegality, which is hereby set aside and the Order of Id. ACMM is restored and the Petitioner is hereby, discharged.

32. The Petition is allowed and the same is disposed of along with pending Applications.

NEENA BANSAL KRISHNA, J.

OCTOBER 15, 2025/R