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

+ CRL.A. 1209/2019, CRL. MA 38236/2019

STATE

.....Appellant

Through: Mr. Pradeep Gahalot, APP for State
with SI Umesh Yadav PS IGI Airport,
New Delhi.

versus

AJAIB SINGH @ BHINDER

.....Respondent

Through: Mr. Rahul Tyagi, Advocate with the
Respondent through VC.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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08.08.2025

1. This is a State appeal under Section 378 Cr.P.C. directed against the judgment dated 16.09.2015 passed by the learned ACMM-01, New Delhi, in the case arising out of FIR No. 250/2010 registered under Sections 420/468/471 IPC and Section 12 Passport Act, whereby the respondent herein was acquitted of all charges.

2. The Trial Court recorded that the only material prosecution witness i.e., *Smt. Harjinder Kaur*, mother of co-accused *Gurbhej Singh*, had turned hostile and failed to identify the respondent herein.

The case of the prosecution was that *Gurbhej Singh* travelled to Syria on a fake Syrian visa affixed on his passport, and named the respondent and one *Jagtar Singh @ Babbu*, who had been declared a proclaimed offender, as the agents who had conspired with him to facilitate such travel.

3. With the sole material prosecution witness turning hostile, the only



material left against the respondent was the disclosure statement of co-accused *Gurbhej Singh*. Placing reliance on the decisions in *Bhuboni Sahu Vs. R.*, reported as **AIR 1949 PC 257** and *Sidharth Vs. State*, reported as **(2005) 12 SCC 545**, the Trial Court held that the confession of a co-accused, without corroboration, cannot form the sole basis of conviction, and acquitted the respondent.

4. Mr. Rahul Tyagi, learned counsel for the respondent, has joined the proceedings through VC along with the respondent. He has invited the attention of the Court to the detailed order dated 03.08.2016 passed by the Predecessor Bench, wherein the finding of the Trial Court on the above aspect was found to be correct. However, at the same time, it was also noted that the Trial Court had not returned any finding on the charge under Section 174A IPC, despite evidence on that aspect having been led. Notably, the leave to appeal was granted vide order dated 16.10.2019, and the respondent was asked to furnish reply as well as bail bonds.

5. On a perusal of the record, this Court finds no ground to interfere with the acquittal, as the only circumstance left is the confessional statement of the co-accused. However, the omission by the Trial Court on the limited question of Section 174A IPC is evident. With that being said, remanding the matter at this stage would serve no useful purpose.

6. At this stage, learned counsel for respondent, on instructions from respondent, states that the respondent is an elderly man of about 50 years and tenders his unconditional apology.

7. Looking into the fact that the FIR pertains to the year 2010, the respondent's acquittal and his unconditional apology, and that as per the nominal roll dated 02.08.2025 he has already undergone 21 days of



incarceration, the Court is of the view that the ends of justice would be met by sentencing the respondent to the period already undergone by him, for the offence under Section 174A IPC.

8. Additionally, however, a fine of Rs.1,000/- is imposed upon the respondent, and the same shall be deposited with the Trial Court within two weeks from today. Subject to the aforesaid, his bail bonds are cancelled and surety is discharged.

9. The present appeal is disposed of in the above terms.

DASTI

MANOJ KUMAR OHRI, J

AUGUST 8, 2025/nb