

(2023) 05 DEL CK 0182
In the Delhi High Court
Case No : Bail Application No. 699 Of 2023

Vikas Paras @ Ashish Jaiswal

APPELLANT

Vs

State Nct Of Delhi Through SHO

RESPONDENT

Date of Decision : 24-05-2023

Acts Referred:

Indian Penal Code, 1860 — Section 34, 120B, 406, 419, 420, 467, 468, 471
Code Of Criminal Procedure, 1973 — Section 161, 439

Citation : (2023) 05 DEL CK 0182

Hon'ble Judges : Rajnish Bhatnagar, J

Bench : Single Bench

Advocate : Uday Gupta, Hires Dasan, Shivani M. Lal, M.K. Tripathi, Preeti Chauhan, Amit Ahlawat, Ajai Kumar, Satyam Singh

Final Decision : Dismissed

Judgement

Rajnish Bhatnagar, J

1. The present bail application has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case FIR No. 92/2022 under Sections 419/420/467/468/471/34/120-B IPC registered at Police Station Crime Branch.

2. In brief, the facts of the case are that the present case was registered on the complaint of Sh. Indra Kumar Roy Indresh, in which he alleged that petitioner Ashish Jaiswal alongwith Rohan Singh and Rohit cheated him to the tune of Rs. 20,00,000/- on the pretext of admission of his son Shivam Roy in Maulana Azad Medical College for MBBS course on the basis of Government Nominee Quota. The complainant made all the payments in Account No. 418001000492, ICICI Bank of petitioner. During investigation, the transactions of Rs. 20,00,000/- which were made by the complainant in the said account of petitioner were found true.

3. On 13.06.2022, on the basis of location of mobile number 7275620877 and photo, linked with the alleged bank account of petitioner, the petitioner was

traced and was apprehended. Three different Aadhar Cards in the name of Ashish Jaiswal, Praveen Kumar and Vikas Paras all having the same photo of the petitioner were recovered from the possession of petitioner. Out of the recovered Aadhar cards, one was used to open the alleged bank account in the name of Ashish Jaiswal. PAN Card and Cheque book of alleged bank account alongwith some other documents were also recovered from the possession of petitioner. After interrogation, the petitioner was arrested in the present case.

4. During the police remand of the petitioner, complainant and his son came in the office of Crime Branch and they identified the petitioner as Rohan Singh, because he had met with them in the name of Rohan Singh. Statements of the complainant and his son to this effect were recorded U/s 161 Cr.P.C. During investigation, sections 419/467/468/471/120B IPC were added in the case. After the completion of investigation, on 10.09.2022, charge sheet U/s 419/420/467/468/471/120B/34 IPC was filed against the petitioner.

5. I have heard the Ld. counsel for the petitioner, Ld. APP for the State assisted by the Ld. counsel for the complainant, perused the Status Report filed by the State and also perused the records of this case.

6. It is submitted by the Ld. counsel for the petitioner that the petitioner has been falsely implicated and the arrest has solely been made on account that the complainant transferred a sum of Rs. 20,00,000/- in the bank account of the petitioner for getting the admission of his son done in a medical college through management quota and the said transaction is purely a money dispute between the parties.

7. He further submitted that the charge sheet in the present case has been filed and the petitioner is in J.C. since 17.06.2022. He further submitted that the case of the prosecution is based on a seizure memo drawn a day after petitioner detention and the arrest memo has been drawn a day after the petitioner actual detention by the investigating agency.

8. He further submitted that the documents i.e. Aadhar Cards which are alleged to be fake by the prosecution are not the originals and the originals have not been recovered. He further submitted that there is a delay of more than one year in filing the FIR which has not been explained. It is further submitted by the Ld. counsel for the petitioner that the petitioner has been granted bail in two other cases pending against him.

9. On the other hand, it is submitted by the Ld. APP for the state that the allegations against the petitioner are serious in nature and the petitioner by impersonating himself has cheated the complainant for a sum of Rs. 20,00,000/-. He further submitted that the petitioner has been arrested in two other similar cases i.e. one in Bangaluru and other in Kolkata and he is a habitual offender and he is playing with the career of young children.

10. Ld. counsel for the petitioner during the course of the arguments has placed

on record two bail orders i.e. one is dated 30.09.2022 passed in GD No. 6857/22 by ACJM Barrackpore and other is dated 06.01.2023 passed in Cr. Misc. Case No. 08/2023 by Sessions Judge, Hooghly, in which according to him the petitioner has been granted bail. The perusal of the said orders shows that the same have been passed by the said Courts for the offence U/s 420/406 IPC but in the instant case, the charge sheet has been filed U/s 419/420/467/468/471/120B/34 IPC and the maximum punishment is up to life.

11. As per the allegations, the petitioner in the instant case, has faked three Aadhar Cards in the name of Ashish Jaiswal, Praveen Kumar and Vikas Paras and they all were having the photograph of the petitioner and were recovered from his possession. One recovered Aadhar Card was used to open the alleged bank account in the name of Ashish Jaiswal and PAN card, cheque book of alleged bank account alongwith other documents were recovered from the possession of the petitioner/accused.

12. It is pertinent to note here that son of the complainant has identified the petitioner as one Rohan Singh because when the petitioner had met the complainant and his son, he introduced himself to them by the name of Rohan Singh and their statement in this regard has been recorded U/s 161 Cr.P.C. Simply because the charge sheet has been filed, the same cannot be the sole ground for bail. The allegations are serious in nature. The petitioner is playing with the career of young children. No ground for bail is made out. The bail application is, therefore dismissed.

13. Nothing stated hereinabove shall tantamount to the expression of any opinion on the merits of this case.