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

+ BAIL APPLN. 2267/2021

LEENU SINGH

..... Petitioner

Represented by: Mr Santosh Kumar and Mr Manish,
Advocates.

versus

STATE GNCT OF DELHI

..... Respondent

Represented by: Mr Tarang Srivastava, APP for the
State with SI Harkesh Meena, PS
Tilak Marg.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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22.07.2021

The hearing has been conducted through video conferencing.

1. By this petition, the petitioner seeks anticipatory bail in case FIR No.0067/2020 under Sections 420/468/471/120B IPC registered at PS Tilak Marg.

2. Learned counsel for the petitioner states that the petitioner has mentioned about the conversation recorded between the petitioner and the learned counsel who had provided her the forged bail order, however, despite the conversation having been provided to the Investigating Officer no action on the same has been taken rather a misleading report has been filed before this Court. He further states that the petitioner is innocent as a wrong has been done by the learned counsel to her by handing over a forged bail order, copy of which was sent by the petitioner to Kuldeep Dinkar.

3. The above noted FIR was registered on the directions of this court vide order dated 11th September, 2020 wherein it was observed that one Mr Kuldeep Dinkar, a Member of Parliament presented a forged and fabricated bail order dated 3rd July, 2020 purportedly passed by the Duty Judge, Saket Court New Delhi in relation to his estranged wife Leenu Singh before this court seeking anticipatory bail in case FIR No.269/2020 under Sections 189/384/389/499/120B/506/34/420/468/471 IPC registered at PS Malviya Nagar. It was revealed that the concerned learned ASJ had not sat on the bail jurisdiction on 3rd July, 2020.

4. During the investigation, learned counsel for the Kuldeep Dinkar was also examined and his mobile phone seized, which revealed that the forged and fabricated order purported to be of Shri Lalit Kumar, Duty Judge, Saket Courts dated 3rd July, 2020 was sent by Kuldeep Dinkar to his counsel on his mobile no.9810491438 on 31st July, 2020 through Whatsapp from mobile nos.9868445016 and 8305210773. On 24th December, 2020, Kuldeep Dinkar was arrested in the present FIR and during the investigation, it was revealed that the forged and fabricated order dated 3rd July, 2020 was sent to Kuldeep Dinkar by his estranged wife Leenu Singh, the petitioner herein through Whatsapp, knowing fully well, that it is a forged order. Since Mr Kuldeep Dinkar had received the order from Leenu Singh, he forwarded the same to his learned counsel from his two mobile numbers and this fact stands verified from the RFSL Report in relation to the mobile phones of the learned counsel Mr Dhruv Gupta as also Kuldeep Dinkar. Further, the RFSL also shows conversation between Kuldeep Dinkar and Leenu Singh.

5. Pursuant thereto notice under section 41A Cr.PC was given to the Leenu Singh on her Whatsapp No.9315787154 for joining the investigation

as also notice was sought to be served in writing but the family members of Leenu Singh refused to receive any notice. When the petition came up before this Court, interim protection was granted to the petitioner. Thereafter, the petitioner joined the investigation and during the course of investigation she revealed that she used two mobiles at the relevant time, one of Apple with Sim no.9315787154 and the other of Vivo with Sim no.8130489880. CDR analysis of the two mobile numbers was done and it was revealed that they were used on 7 different IMEI numbers. Leenu Singh was asked to join the investigation where she produced two mobile phones of Xolo and Sony, which were not in working condition. On 8th March, 2021, Leenu Singh again joined the investigation and produced one mobile phone Vivo having Sim no. 8130489880 and IMEI No.866247044403293 and 866247044403285. From the CDRs from 14th March, 2020 to 11th September, 2020, it was found that Sim no. 8130489880 was never used in the two instruments mentioned.

6. In nutshell, the case of the petitioner is that the forged bail was provided to her by the learned counsel. However, the stand has been taken belatedly and in the entire petition it is not stated as to when the forged and fabricated bail order was provided. Further, though the petitioner claims that a conversation was recorded on the mobile phone, however, till date, no mobile phone having conversation has been given and some conversation has been given in the pen drive, which will not be sufficient to come to the conclusion that the discussion took place on the mobile phone. Considering the nature of allegations and that it is required to be ascertained as to who prepared the forged bail order of the learned ASJ, it is necessary to subject the petitioner to custodial interrogation. Consequently, this court finds no

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merit in the present petition and the same is dismissed.

7. It is clarified that the observations made hereinabove will not be treated as an expression of opinion on the merits of the case during the trial.

8. Order be uploaded on the website of this Court.

MUKTA GUPTA, J

JULY 22, 2021
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