

IN THE COURT OF SHRI NISHANT GARG, LD. ADDL.CJM,
ROOM NO. 205, RADC, NEW DELHI

CBI

V/s

Abhishek Gupta

Case No : RC08(S)/2024 of CBI, SC-I, New Delhi
under sections 105, 106(1), 115(2), 290,
3(5) of BNS

Application for the Police Custody remand of accused (i) Abhishek Gupta s/o Rakesh Gupta, (ii) Deshpal Singh s/o Baldhar Singh, (iii) Harvinder Singh s/o Amarjeet Singh, (iv) Parvinder Singh s/o Jaspal Singh, (v) Sarabjit Singh s/o Amarjeet Singh and (vi) Tajinder Singh s/o Surinder Singh U/s 187 BNSS 2023.

Most respectfully showeth

1. That the instant case bearing RC No. 08(S)/2024 was registered in CBI, SC1, New Delhi on 06.08.2024, in compliance with the Orders dt: 02.08.2024 of Hon'ble High Court of Delhi passed in WP (C) No. 10550/2024 filed by Kutumb (through its trustee) and WP (C) No. 13308/2023 filed by Amrik Singh Babbar (Library).
2. That as per the said order of Hon'ble High Court of Delhi, the FIR No. 0151 dated 28.07.2024 of Rajinder Nagar PS, registered u/s 105, 106(1), 115 (2), 290 and 3(5) of Bharatiya Nyaya Sanhita, 2023, against Abhishek Gupta s/o Shri Rakesh Kumar Gupta, R/o Z-111, Tatvam Villas, Sector-48, Gurugram, Haryana, has been re-registered vide this RC No. 08(S)/2024-SC1.
3. It has been alleged in the FIR that a PCR call vide DD No. 74A, was received on 28.07.2024, stating that the basement of the RAU's IAS Study Circle, Old Rajinder Nagar, had got flooded and some students had got trapped and help was needed. It was reported by the police personnel deputed for the same that the situation was alarming due

to water logging and there was around three feet water in the parking area and that the basement was completely submerged. The NDRF team which went down the basement of the building recovered three bodies which were sent for medical examination. On medical examination the bodies were declared "brought dead". The three deceased being Shreya Yadav D/o Shri Rajendra Yadav, aged 22 yrs, Tanya Soni D/o Shri Vijay Kumar aged 21 yrs and Nevin Dalvin S/o Mr Dalvin Suresh aged : 29 yrs. The three bodies were subsequently kept in the mortuary of RML. The cause of death of the three persons was stated to be asphyxia due to ante mortem drowning as per the Post Mortem Reports.

4. That investigation into the above allegations has revealed that M/s RAUs IAS Study Circle is a Coaching Institute that was operating from the building premises at BP 11, Bara Bazaar Road, Old Rajinder Nagar, New Delhi. The building has Basement, Stilt/ parking, Ground Floor (also called upper ground floor), First Floor, Second Floor and Third Floor.
5. That all the floors including basement were used by the said Coaching Institute for the purpose of running the coaching institute. For the purpose of using the basement as a part of coaching centre, Abhishek Kumar Gupta, partner in M/s RAUs IAS Study Circle, entered into an agreement with co-owners of the basement vide a Lease deed dated 05.01.2022 for 9 years at monthly rent of Rs 4 Lakh Rupees. The Basement was being used for the purpose of Library/ Exam hall where students used to sit throughout the day for study as well as for taking tests.
6. That vide letter File / Plan No. 10089671 dt: 09.08.2021, MCD issued Completion Cum Occupancy certificate to the owners of the building wherein it has been explicitly stated that basement floor could be used for specific purpose/provision of Staircase 2, lift-2, lobby-2, toilet -1, for parking use, household storage and car lift. However, in contravention of the approved usage of the basement, the lessor and

the lessee knowingly agreed to use the basement for the commercial purpose of running the coaching institute.

7. It has been revealed that the lessee was using the basement for the purpose of running their library cum Exam Hall having seating capacity of around 80-90 students at a time. That the students used to sit in the basement for long hours for self study and taking exams there. It has also come in investigation that the locality used to get flooded even in moderate rains as it is a low lying area and flood / rain water used to enter the premises for which the steel gates of the premises were used to block the entry of water into the premises.
8. Further that the building was being used for running a Coaching Centre without a Fire Safety Certificate. The matter of such Coaching Centres, was brought to the notice of Hon'ble High Court of Delhi in the matter of WP (C) No. 12182/2016; 6405/2019; 100/2017; 8534/2023 and 32936/2023, in which Order dt: 25.07.2023 was passed by Hon'ble High Court of Delhi wherein it was observed that a large number of Coaching Centres do not have Fire NOC inter alia among other requirements.
9. That in light of the above observation of Hon'ble High Court of Delhi, a Show Cause Notice dated : 04.08.2023, was issued by the Dy Commissioner, MCD, Karol Bagh Zone, to the Owner/ Occupier, RAUs IAS, for violation of Master Plan Delhi – 2021, for misuse of property and it was directed to stop the misuse and bring the premises within the permitted use as per the Master Plan Delhi-2021 within 48 hours and show cause as to why the aforesaid premises be not sealed. In response to the above Show Cause Notice, the respondent, Abhishek Gupta, (accused) submitted a letter dated : 08.08.2023, to the Dy Commissioner, MCD, Karol Bagh Zone, along with the requisite affidavit and stated that he has applied for issuance of Fire Safety Certificate. Finally a Fire Safety Certificate No. F6/DFS/MS/SZ/ 2024/CC/32 dt: 09.07.2024 was issued by Delhi Fire Service.

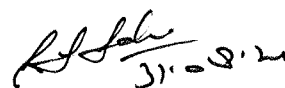
10. That the accused persons namely Abhishek Gupta s/o Rakesh Gupta, Deshpal Singh s/o Baldhar Singh, Harvinder Singh s/o Amarjeet Singh, Parvinder Singh s/o Jaspal Singh, Sarabjit Singh s/o Amarjeet Singh, Tajinder Singh s/o Surinder Singh in Judicial Custody in the instant case.
11. That the allegations against the accused/applicants as well as other co-accused persons are of serious nature which is required to be investigated at length as per the order of Hon'ble High Court of Delhi, as mentioned in its order dated 02.08.2024 that **"The CBI shall carry out a full fledged investigation regarding the aforesaid incident, including but not limited to the criminal negligence, dereliction of duties, corrupt practices indulged in by any person including the officials of the local authorities"**.
12. That in order to further move with the investigation of the case, as directed by Hon'ble High Court of Delhi, custodial interrogation of accused persons (i) Abhishek Gupta, S/o Shri Rakesh Gupta, (ii) Deshpal Singh, S/o Baldhar Singh, (iii) Harvinder Singh S/o Amarjeet Singh, (iv) Parvinder Singh S/o Jaspal Singh, (v) Sarabjit Singh S/o Amarjeet Singh, and (vi) Tajinder Singh Ajmani S/o Surinder Singh, is required, in order to reveal the facts of the case.

PRAYER

In view of above facts it is most respectfully prayed that this Hon'ble Court may be pleased to remand the above stated six accused persons to Police Custody for 04 days, in the interest of justice and case.

Through Ld. Sr. PP/PP

On behalf of the CBI,



(R.S. Solanki),
ASP/IO
CBI, SC-I, New Delhi

Date: