

Item No. 3
Misc. Appl. No. 12/20
Rajesh Dhanda Vs. CBI

25.09.2020.

**Present:- Sh. Sanjay Abbot, Sh. Arshdeep Singh & Sh. Aditya Chopra,
Ld. Counsels for the applicant Rajesh Dhanda alongwith
applicant in person through VC.
Sh. Neetu Singh, Ld. PP for CBI .**

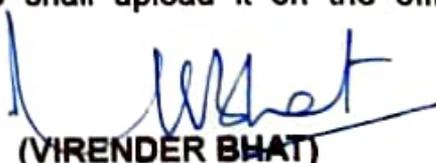
Hearing was conducted today through Video Conferencing on Cisco Webex Meeting Platform facilitated by Ahlmad of the Court.

Vide order dt. 17.08.2020, the applicant was permitted to travel to United Arab Emirates for a period of 15 days i.e. from 18.08.2020 to 02.09.2020. However, on an application filed by the applicant, the aforesaid order dated 17.08.2020 was modified by this court vide order dt. 25.08.2020 to the extent that the applicant was permitted to travel to United Arab Emirates from 10.09.2020 to 23.09.2020. Accordingly, the applicant had taken back his passports from the Investigating Officer so that he could travel abroad.

In the application under consideration it has been stated that the applicant has returned from the United Arab Emirates on 23.09.2020 and intends to deposit his passports in the court in pursuance to the order dt. 16.01.2020 vide which he was granted bail.

The application is hereby allowed. The applicant is directed to deposit all his passports (current one as well as the expired passport) in this court positively by tomorrow.

The Ahlmad is directed to send the copy of the order to the Computer Incharge, RADC, New Delhi who shall upload it on the official website of Delhi District Courts at the earliest.



(VIRENDER BHAT)
SPL. JUDGE (PC ACT): CBI-16
ROUSE AVENUE DISTRICT COURT
NEW DELHI/25.09.2020

Item No. 1

CBI Case No. 403/2019

CBI Vs. M/s Dolphin Scaffoldings Pvt. Ltd

25.09.2020.

**Present:- Sh. Pradeep Rana and Sh. Bharat Gupta, Ld. Counsels for the applicant/accused.
Sh. Neetu Singh, Ld. PP for CBI .**

Hearing was conducted today through Video Conferencing on Cisco Webex Meeting Platform facilitated by Ahlmad of the Court.

Arguments heard on the bail application of accused Sunny Kalra.

This is the 2nd bail application filed on behalf of the said accused.

His first bail application was dismissed by this court vide order dt. 03.09.2020.

It is submitted by Ld. Counsel for the applicant that pursuant to the dismissal of applicant's first application by this court on 03.09.2020, he surrendered before the Investigating Officer on 07.09.2020 and was taken into custody. He pointed out that the applicant has been in custody for about 20 days and no useful purpose would be served in keeping him in custody any further. He argued that the investigation of this case had been completed a long time before and the chargesheet has been filed in the month of July, 2019 i.e. about 1 ½ years ago. The Ld. Counsel submitted that the investigating agency did not find it necessary to summon the applicant during the course of entire investigation which indicates that his presence was not required for any interrogation. It is submitted that even after the surrender of the applicant on 07.09.2020, the CBI did not seek his police custody. The Ld. Counsel further

Page No. 1 of 5

submitted that there is no likelihood of the applicant either fleeing from justice or absconding from the proceedings of this case. He referred to the judgment of the Supreme Court in **Sanjay Chandra vs. CBI, 2011 (4) RCR (Cri.) 898 (SC)** in order to canvas that any imprisonment before conviction has a substantial punitive content and it would be improper for any court to refuse bail to an unconvicted person for the purpose of only giving him a taste of imprisonment as a lesson. Relying upon another judgment of the Supreme Court in **Data Ram Singh vs. State of UP & Anr., Cri No. 227 of 2017 decided on 06.02.2019**, the Ld. Counsel argued that the grant of bail is the rule and refusal is the exception. He submitted that the applicant is willing to remain bound by any terms and conditions as may be put forth by this court. He vehemently urged this court to enlarge the applicant on bail.

Ld. PP has vehemently opposed the bail application. He argued that best efforts were made during the course of the investigation to summon the applicant but he could not be summoned as his whereabouts were not known. He further argued that the applicant is a flight risk and there is every likelihood of his absconding from the course of justice as he does not have any permanent place of residence in India. He also pointed out that the applicant had absconded after the dismissal of his first bail application by this court on 0309.2020 and surrendered only after NBWs were issued by this court against him. The Ld. PP thus prayed for dismissal of the bail application.

I have considered the rival submissions made by the Ld. Counsel for the applicant as well as the Ld. PP and have perused the record.

From the submissions of the Ld. PP, it appears that the bail application is opposed primarily on the ground that the applicant is a flight risk and is likely to abscond, if granted bail. He submitted that the applicant

alongwith his other family members had left India before the registration of the FIR and as such they could not be summoned during the course of investigation. However, the Ld. PP has failed to point out the steps which were taken by the Investigating Officer to seek presence of the applicant and his family members during the investigation. No steps appear to have been taken to summon the applicant or to get issued warrants against him, in case he did not respond to the summons. It appears that the investigating officer did not find any need for interrogation of the applicant and for this reason chargesheet was filed without taking any steps to summon the applicant.

It also needs to be taken note of the fact that before summons could be issued to the applicant in this case, the applicant had himself approached this court by way of anticipatory bail application which came up for hearing before this court on 24.10.2019. However, the applicant had been arrested in Oman at Muscat Airport before the said date and therefore, the counsel for the applicant sought permission to withdraw the anticipatory bail application, which was granted. It is also to be noted that after the applicant had been brought to India pursuant to his arrest in Oman and had been granted bail in that case, he alongwith his other family members started joining the hearing of this case through video conferencing w.e.f 06.08.2020. They did not wait for the summons to be served upon them. This reflects the bonafide conduct on behalf of the applicant to participate in the proceedings of this case and rebuts the contentions of the Ld. PP that he may abscond, if granted bail. Had the applicant any intention to abscond, he would have done so after the dismissal of his first bail application by this court on 03.09.2020. He did not do so. He surrendered before the IO on 07.09.2020 after availing his legal remedy before the Hon'ble High Court.



In the instant case, charges are yet to be framed and the trial is not expected to be concluded in near future. There are 60 witnesses cited in the chargesheet. The recording of evidence has, for the time being, suspended in the courts on account of COVID-19. Therefore, this court is of considered opinion that keeping the applicant in custody any further would be punitive in nature even before his conviction. He has already tasted the imprisonment for more than 20 days and it would be totally unjust to make him undergo further imprisonment. So far as the contention of the Ld. PP that the applicant has no permanent place of residence in India, is concerned, it may be noted that during the course of the hearing of the first bail application of the applicant, the IO was directed to verify as to whether the applicant is residing at the address mentioned by him in the bail application as well as the affidavit filed pursuant to the directions of this court. In the verification report filed by the HIO, it has been stated that the applicant was found residing at the address i.e. House No. 35B, First Floor, Sector 40, Gurugram, Haryana, as a tenant, which address is mentioned in his bail application. Further, certain conditions can be put upon the applicant in order to ensure that he does not abscond and participates in the trial of this case till its completion.

In the light of the above discussion, this court does not find any ground to reject the instant bail application of the applicant. Hence, the application is allowed. It is directed that the applicant be released subject to filing of personal bond in the sum of Rs. 1,00,000/- (Rs. One Lakh) with two sureties in the like amount. The applicant shall also surrender all his passports before the Investigating Officer on the day of his release itself. He shall file an affidavit before this court stating his place of residence in India during the trial and the mobile number he shall be using. He shall not change his mobile

number till the conclusion of the trial of this case. He shall not approach or intimidate any prosecution witness. He shall not leave India without seeking permission from this court. He shall also keep in regular touch with the Investigating Officer and shall mark his presence before him on 1st & 16th of each English Calendar Month.

The Ahlmad is directed to send the copy of the order to the Computer Incharge, RADDC, New Delhi who shall upload it on the official website of Delhi District Courts at the earliest.



(VIRENDER BHAT)
SPL. JUDGE (PC ACT): CBI-15
ROUSE AVENUE DISTRICT COURT
NEW DELHI/25.09.2020

Item No. 2

CBI Case No. 242/2019

CBI Vs. M. Waheed (Chinar CGHS)

25.09.2020.

Present:-

Sh. Neetu Singh, Ld. PP for CBI .

Proceedings qua A1 have already abated due to his death.

Sh. Amish Dabas, Ld. Counsel for A-2 P.R. Nair alongwith A-2 in person through VC.

Sh. D.B. Goswami, Ld. Counsel for A-3 Sanjay Bajaj, A-4 Usha Chander & A-5 M. Omkaram alongwith said accused in person through VC.

Sh. Dhruv Shukla, Ld. Counsel for A-6 F.D Malik alongwith A-6 in person through VC.

Sh. Harish Dasan & Sh. Rajiv Ranjan, Ld. Counsels for A-7.

Sh. Anil Kumar, Ld. Counsel for A-8 Raman Verma alongwith A-8 in person through VC.

A-7 A.K. Shankaran is absent.

Hearing was conducted today through Video Conferencing on Cisco Webex Meeting Platform facilitated by Ahlmad of the Court.

Mr. Harish Dasan Advocate submits that on account of lack of connectivity, accused A.K. Shankaran is unable to join today's proceedings through video conferencing from his native state Kerala.

Vide separate judgment announced through Video Conferencing, accused F.D. Malik has been convicted of the offence of conspiracy U/s 120B r/w sections 420, 468, 471 IPC. He has also been convicted of the offences u/s 420 & 468 IPC. However, he has been acquitted of all other charges.

All the remaining accused namely P.R. Nair, Sanjay Bajaj, Usha Chander, M. Omkaram, A.K. Shankaran and Raman Verma are hereby acquitted of all the charges. They shall file bail bonds u/s 437A Cr. PC during the course of the day positively and produce their sureties through video conferencing tomorrow i.e. 26.09.2020.

Arguments on the point of sentence qua convict F.D. Malik shall also be heard tomorrow i.e. 26.09.2020.

The Ahlmad is directed to send the copy of the order to the Computer Incharge, RADC, New Delhi who shall upload it on the official website of Delhi District Courts at the earliest.



(VIRENDER BHAT)
SPL. JUDGE (PC ACT): CBI-15
ROUSE AVENUE DISTRICT COURT
NEW DELHI/25.09.2020