

CBI VS. KULDEEP SINGH DUA

15.07.2020

Present: Sh. Ashwani Joshi, Ld. PP for CBI.
Sh. Amit Kumar Attri, Ld. Counsel for the applicant.

This urgent bail application has been taken up through video conferencing hosted by Sh. R. C. Verma, Reader of this Court in terms of orders of Hon'ble Delhi High Court bearing No. R-235/RG/DHC/2020 dated 16.05.2020 and 16/DHC/2020 dated 13.06.2020.

Reply to the above said application has been filed by the Ld. PP for CBI through email on 14.07.2020 and e-copy of the same has already been supplied to the Ld. Counsel for the applicant.

Further arguments heard on the bail application of applicant /accused.

It is argued by the Ld. Counsel for the applicant that the applicant is in Judicial custody since 25.06.2020 in a case of 2012 wherein main accused Kulwant Rai has already been acquitted by the Ld. Session Court vide its Judgment dated 28.01.2017. It is further argued that there is no evidence on record against the applicant, who has been unnecessarily arrested and sent to judicial custody in this case. He has a family to support and a handicapped son and he is 58 years old.

On the other hand, Ld. PP for the CBI has argued that there are specific allegations against the applicant/accused by co-accused Kulwant Rai that the applicant provided fake Indian currency notes of the value of more than Rs.6 lakhs to him at Thailand and the applicant never

joined the investigation despite repeated attempts to trace him from Thailand and only after obtaining LOC he was deported to India by Thailand Authorities and he himself never came forward to join the investigation and there is no reason to enlarge him on bail when the investigation is pending and is at crucial stage.

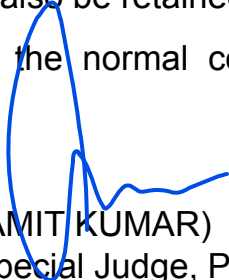
Records show that in this case of 2012, the co-accused Kulwant Rai has already been acquitted on 28.01.2017 by the then Ld. Session Judge. Though the appeal against that acquittal is still subjudice but that is no reason to hold the bail application of this applicant. The applicant was arrested on 25.06.2020 and no police remand was obtained and there is no material at this stage on record to connect the acquitted co-accused Kulwant Rai with the applicant/accused Kuldeep Singh Dua. The chargesheet against co accused Kulwant Rai was filed after keeping the applicant in column no. 12 and specifically noting that there is no evidence against him. Same was also observed by Ld. Sessions Judge while acquitting Kulwant Rai in his detailed judgement. Otherwise also, the period of police remand is already over and no efforts were made by the Investigating Agency to find any material connecting the applicant /accused with the alleged offence though punishable upto life.

In the above said facts and circumstances, the applicant /accused Kuldeep Singh Dua is admitted to bail on his furnishing a personal bond of Rs.30,000/- each with two sureties of like amount. Out of the said two sureties, atleast one surety should be local. The bonds have to be tendered by the applicant /accused and sureties before the Ld. Duty Magistrate who is on duty in concerned Central Jail in terms of the office order dated 28.03.2020 passed by Ld. District & Sessions Judge, RADC, New Delhi. It is also mentioned that sureties of the applicant /accused as

well as applicant /accused shall provide their mobile numbers to the I.O. and they shall not switch off the same so that the applicant /accused can be located as and when required. The applicant shall join the investigation as and when required by I.O. The applicant /accused shall not leave the country without permission of the Court.

The order is being scanned after my signature and scanned PDF file is being transferred to the Reader for onward uploading the same on the website. Reader shall supply the copy of the order to the I.O, Ld. PP and the Ld. Counsel for the applicant /accused.

A copy of this order shall also be retained on the record to be put in the judicial file as and when the normal court working stands resumed.



(AMIT KUMAR)
Special Judge, PC Act, CBI-04,
RADC/ND/15.07.2020