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

+ CRL.A. 643/2015

BALJEET SINGH

..... Appellant

Through: Mr. Vikas Pahwa, Sr. Adv. with Mr.
Anil Kumar, Mr. Aditya Dogra, Ms
Astha Sharma, Advs.

versus

C B I

..... Respondent

Through: Ms Sonia Mathur, Standing Counsel
with Mr. Abhishek Chauhan, Adv.

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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01.04.2016

CRL. M.B. No.8200/2015

1. By way of this application under Section 389 read with 482 Cr.P.C., appellant is seeking suspension of sentence during the pendency of the appeal.
2. Ms Sonia Mathur, Standing Counsel for CBI has opposed the prayer of the petitioner for release on bail mainly on two grounds:
 - (1) He has not undergone half of the sentence.
 - (2) The role of the present petitioner is comparatively serious as reflected in the order dated 19.08.2015 in CRL.A.630/2015 filed by co-convict Arun Kumar Gurjar.
3. The first contention raised on behalf of CBI is that the appellant has not undergone half of the sentence, suffice it to note that the co-convict has been granted bail without undergoing half of the sentence. It is necessary to mention here that the present appellant and co-convict/appellant in CRL.A.630/15 have been convicted under section 120-B IPC read with Section 7 of the Prevention of Corruption Act, 1988.

4. The sentence of co-convict/appellant in CRL.A.630/15 has been suspended on 19.08.2015 but relief was declined to appellant Baljeet Singh observing in para 16, 17 and 18 of the said order as under:

“16. However qua Baljeet Singh as rightly pointed out by the learned counsel for the CBI there is no explanation for Baljeet Singh to have continued to carry on the assessment proceedings of the company of PW-1 when he admittedly stood transferred to another department in November, 2010 and for which this Court finds that the appellant Baljeet Singh had little to answer. He was also caught red handed.

17. Nothing the above factual matrix and the distinctive role attributed to the two applicants before this Court, this Court deems it fit to grant suspension of sentence to appellant Arun Kumar Gurjar, pending his appeal. He be admitted to bail on his furnishing a personal bond in the sum of ₹50,000/- with one surety of like amount to the satisfaction of Jail Superintendant with condition that he shall deposit his passport with the CBI and not leave the country without prior permission of this Court; he shall remain present in person at the time when his appeal is taken up for hearing and he shall intimate the CBI about change, if any, of his address.

18. This Court at this stage is not inclined to grant suspension of sentence to Co-convict Baljeet Singh as the role attributed to him is different. His application is declined.

5. After the prayer of the appellant Baljeet Singh for suspension of sentence was declined on 19.08.2015, he has further spent more than 7 months in custody. The appeal is not likely to be heard in near future. Taking into consideration the facts and circumstances of this case, substantive sentence of the appellant Baljeet Singh is suspended during the pendency of this appeal. He is directed to be released on bail on his furnishing a personal bond in the sum of ₹50,000/- with one surety of like amount to the satisfaction of registrar appellate, with the following terms and conditions:

- (a) He shall deposit his passport with the CBI.
- (b) He shall not leave the country without prior permission of this Court; he shall remain present in person at the time when his appeal is taken up for hearing and he shall intimate the CBI about change, if any, of his address.
- (c) Fine if not already deposited, be deposited.
- 6. This application stands allowed in above terms.
- 7. Any observation made herein for purpose of disposing of two applications, bail shall not be deemed to be an expression on the merits of the case.
- 8. Order be given dasti under the signature of Court Master.

PRATIBHA RANI, J.

APRIL 01, 2016

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