

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-3751 of 2016 (O&M)
Date of decision : 16.03.2016

Aman Grover

...Petitioner

Versus

Central Bureau of Investigation and another

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Ms. Kawaljeet Kochar, Advocate,
Ms. Vasundhra Singh, Advocate,
Mr. Shreyas Mehrotra, Advocate and
Mr. A.P. S. Shergill, Advocate
for the applicant-petitioner.

Mr. Sumeet Goel, Retainer Counsel for the CBI.

Mr. Baldev S. Sodhi, Advocate for the complainant.

JITENDRA CHAUHAN, J. (Oral)

CRM No.3536 of 2016

CRM is allowed and Annexures P-1 to P-23 are taken on
record, subject to all just exceptions.

CRM No.5754 of 2016

CRM is allowed and Annexures P-24 to P-26 are taken on
record, subject to all just exceptions.

CRM No.7796 of 2016

CRM is allowed and Annexure P-27 is taken on record,
subject to all just exceptions.

CRM No.7797 of 2016

The learned counsel for the applicant-petitioner seeks to withdraw the present application moved for transfer of the bail petition to some other Bench.

Keeping in view the grounds of transfer stated in the application, it warrants exemplary fine on the petitioner. However, as an expression of grace this Court is inclined to take a lenient view in the matter of imposing cost. Accordingly, it is ordered that the petitioner shall deposit Rs.25,000/- towards cost with the High Court Lawyers Welfare Fund.

Main Case

The present petition has been filed under Section 439 of the Code of Criminal Procedure (for short, 'the Cr.P.C.') seeking regular bail in case FIR No.RCCHG2015A0016 dated 13.08.2015, registered under Section 120-B read with Sections 8/7/13(2) read with Section 13 (1)(D) of the Prevention of Corruption Act, 1988, CBI/ACB, Sector 30, Chandigarh.

It is contended that no alleged bribe amount was effected from the petitioner. During the raid, a post dated cheque, issued by the complainant in favour of the mother-in-law of the petitioner as part of settlement reached between the parties, had been recovered. She further states that Hon'ble Supreme Court, vide order dated 29.01.2016 has granted bail to the co-accused, Sanjay Dahuja and a Coordinate Bench

of this Court has also allowed bail to the other co-accused, Surinder Kumar. She further states that agreement had already taken place and a post dated cheque was given for executing the agreement reached between the parties, therefore, no case is made out against the petitioner. The petitioner is in custody since 13.08.2015 and the challan stands presented. She seeks bail on the basis of parity with co-accused, Sanjay Dahuja.

On the other hand, the learned counsel for the CBI states that the detailed order was passed by this Court vide which the bail application of the petitioner was rejected and there are no fresh grounds for allowing this bail petition.

I have heard learned counsel for the parties and perused the record.

The alleged post dated cheque amounting to Rs.30,00,000/- was recovered from the petitioner along with the compromise deed, whereas Rs.40,00,000/- was allegedly recovered from the co-accused, Sanjay Dahuja, who has been admitted to bail by Hon'ble Supreme Court by observing as under:-

“Having heard learned counsel for the parties and after carefully examining the rival legal contentions urged on behalf of both the parties and also considering the fact that the appellant is in judicial custody since 13.08.2015, in our considered opinion, it would be just and proper for this Court,

applying the principles laid down in the case of Sanjay Chandra (supra), to enlarge the appellant on bail subject to usual conditions which may be imposed by the learned Special Judge including the conditions that the appellant shall stay away from Chandigarh till hearing regarding the framing of charge is completed and thereafter, three prosecution witnesses, namely, Guneet Kaur, Mandeep Kang and Manish Kumar are examined and further the appellant shall visit the CBI office situated at Chandigarh once in a week between 11.00 am and 12.00 noon on every Saturday.

Before concluding, it is also made clear that except making his attendance before the CBI office on the days fixed hereinabove and his presence in the Court, whenever, hearing is fixed before the Court, the appellant shall not be present at Chandigarh.

With the aforesaid direction to the appellant and subject to the conditions to be imposed by the trial Court the appellant be enlarged on bail.

Considering the fact that the petitioner as well as the co-accused, Sanjay Dahuja, who has been admitted to bail, are at par, this Court is inclined to accept the bail petition of the petitioner, however, the same shall be subject to the conditions imposed by the Hon'ble Supreme Court in case of co-accused, Sanjay Dahuja noticed in the preceding paras.

In view of above, without advertng to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail

during the pendency of the trial, on his furnishing bail bonds/surety bonds, to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, concerned.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

16.03.2016

ashok

**(JITENDRA CHAUHAN)
JUDGE**