

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-44606 of 2017
Date of Decision: 04.12.2017

Swaraj Kandoi

....Petitioner

VERSUS

Central Bureau of Investigation

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Bipan Ghai, Senior Advocate
with Mr. Paras Talwar, Advocate
for the petitioner.

Mr. S.S. Sandhu, Senior Standing counsel for CBI.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. RCCHG2017A0020 dated 10.10.2017 registered for offences punishable under Sections 7, 12, 13 (2) read with Section 13 (1) (d) of Prevention of Corruption Act, 1988 and 120-B of Indian Penal Code (for short, "IPC") by CBI, ACB, Chandigarh.

Reply filed by learned Senior Standing counsel for CBI is taken on record.

Heard.

Learned Serener Standing counsel for respondent-CBI argues that the petitioner was arrested in this case for bribing Government officials, namely, Chander Prakash Midha and Sanjay Pandey for getting his application form forwarded from Regional Office to Central Ground Water Board (CGWB) Delhi with recommendation for issuance of NOC/permission to extract ground water for industrial use. The petitioner

is running a factory producing packed bottle water. He could extract ground water for use in his factory only with permission of CGWB, a Multiple Disciplinary Scientific Organization under the Ministry of Water Resources, River Development and Rejuvenation, Government of India. The petitioner sent bribe of ₹2 lacs through his employee, who handed over the same to Dinesh Kumar, employee of Chander Prakash Midha for payment to aforesaid public servants. He submits that the case is at crucial stage of investigation and grant of bail to petitioner at this stage will provide him opportunity to tamper with the prosecution evidence.

Learned counsel for the petitioner submits that the petitioner was arrested on 11.10.2017. The allegation against him is that he had sent bribe money to public servants for processing their case to get the NOC. The completion of investigation, presentation of challan and then conclusion of trial will take considerably long time. The witnesses in this case are mostly official witnesses and no purpose will be served by keeping the petitioner in custody.

Keeping in view submissions of learned counsel representing CBI, learned counsel for the petitioner, facts of the case and that the petitioner is in custody for the last more than 54 days, I am of the opinion that no useful purpose will be served by keeping the petitioner in custody. Even otherwise 60 days statutory period for filing the final report in this case will expire in next six days.

In view of above but without expressing any opinion on merits of the case and keeping in view the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Swaraj Kandoi is ordered to be released on regular bail on furnishing bail bond and

surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- (c) He shall not leave the country without the previous permission of the Court.

December 04, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No