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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 4907/2016 & CRL.M.A.20336/2016, 20337/2016,
CENTRAL BUREAU OF INVESTIGATION Petitioner
Through Ms. Maninder Acharya, ASG with
Mr. Sanjeev Bhandari, SPP, Mr. Yashish Chandra,
Mr. Viplav Acharya, Mr. Prateek Kumar, Mr.
Harshul Choudhary & Mr. Sahil Sood, Advs.
Mr. Jagroop, SP, CBI

versus

AIR CHIEF MARSHAL (RETD) SHASHINDER PAL TYAGI
..... Respondent
Through Ms. Stuti Gujral with Ms. Gahanvi
Dubey, Advs.

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

% **10.04.2018**

Vide the present petition the petitioner had sought the setting aside of the impugned order dated 26.12.2016 passed by the learned Special Judge, CBI, Patiala House Courts, Delhi in relation to RC No.2172013A003 CBI/ACU(V)/ND under Sections 120B, r/w 420 Indian Penal Code, 1860 and Sections 7,8, 9 & 13(2) r/w 13(1) (d) of P.C. Act, 1988 with a further prayer made therein to the effect that the said order granting bail to the respondent be set aside and that the respondent be taken into custody if he has already been released pursuant to the order dated 26.12.2016. It has been submitted on behalf of the either side that pursuant to the impugned order dated 26.12.2016 the respondent had been so released. It is however

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submitted on instructions now on behalf of the CBI by the learned ASG that though the charge-sheet has been filed by the CBI but further investigation is still in progress and that in the event of a supplementary charge sheet being filed the CBI may seek redressal in accordance with law qua the aspect of release of the petitioner or otherwise qua the respondent being on bail.

A further submission was made on behalf of the CBI that nothing in the impugned order should affect the merits or demerits of the case qua which the observations to the effect already expressed in the impugned order itself are to the effect:

“Nothing expressed hereinafter shall tantamount to expression of opinion on the merit of the case.”

On behalf of the respondent there is no opposition to the prayer made on behalf of the petitioner that it may seek redressal in accordance with law, in case the supplementary charge sheet is filed by CBI.

In view thereof, the petition is disposed of with liberty granted to the petitioner to seek redressal in accordance with law as further investigation is stated to be still in progress and in the event of a supplementary charge sheet being filed, the CBI may seek redressal in accordance with law qua the aspect of release or otherwise of the respondent on bail.

Copy of the order be given Dasti, as prayed.

ANU MALHOTRA, J

APRIL 10, 2018/ns
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