

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

**CRM-M No.30255 of 2020 (O&M)
Date of Decision.16.11.2020
(Heard through VC)**

Sushma Bhatnagar ...Petitioner

Vs

State of Haryana and another ...Respondents

2. CRM No.27177 of 2020 in CRA-S No.3593-SB of 2012

Rajiv Kumar Bhatnagar ...Petitioner

Vs

CBI ...Respondent

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Rose Gupta, Advocate
for the petitioner.

Ms. Deepshikha Chauhan, AAG, Haryana.

Mr. Rajiv Anand, Advocate
for CBI.

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JAISHREE THAKUR J. (ORAL)

By way of this order, this Court will dispose of Crl. Misc. Petition No.30255 of 2020 and Crl. Misc. Application No.27177 of 2020 in CRA-S No.3593-SB of 2012.

In brief, the facts are that Rajiv Kumar Bhatnagar in Criminal Appeal No.S-3593-SB of 2012 was arrayed as an accused in proceeding initiated under Section 120-B, 419, 420, 467, 468, 471 IPC along with Section 13(2) and 13(i) (d) of Prevention of Corruption Act at Police Station CBI/ACB/New Delhi. In the said proceedings, his wife Ms. Sushma Bhatnagar i.e. petitioner in CRM-M No.30255 of 2020 stood surety and

gave sale deed of house described as House No.51A, Mittal Nagar, Hisar as security to ensure the continued presence of her husband during trial. Consequently, bail was allowed to her husband Rajiv Kumar Bhatnagar but at the same time, the Special Judge, CBI Court, Tees Hazari made an endorsement on the sale deed regarding a sum of Rs.50,000/-.

Subsequently, the matter was transferred to CBI Court at Panchkula and Mr. Rajiv Bhatnagar stood convicted in those proceedings.

An application was filed by Ms. Sushma Bhatnagar before the CBI Court for removal of endorsement on the sale deed to which reply has been filed by CBI dated 08.09.2020 stating that they would have no objection in case endorsement on the sale deed bearing Registration No.6927 dated 05.01.2001 is removed. However, since Mr. Rajiv Bhatnagar stood convicted and an appeal against conviction is pending consideration before this High Court, he has moved the instant application for removal of the said endorsement in the appeal whereas similar application has been moved by his wife Ms. Sushma Bhatnagar, who stood as surety. Since the prayer sought is same, both the CrI. Misc. Application in the appeal as well as the CrI. Misc. Petition are being disposed of together by this common order.

Learned counsel appearing on behalf of the CBI does not oppose the application based on the consent already given in their reply filed before the CBI Court at Panchkula. He states that the applicant-appellant Mr. Rajiv Bhatnagar has preferred an appeal against the order of conviction and has obtained an order for suspension of sentence dated 20.12.2012 and has also complied with the same. The application before

the CBI Court at Panchkula was disposed of simply for the reason that the original record is lying with this High Court for consideration of the appeal and therefore, CBI Court would not be able to pass any order on the same.

I have heard learned counsel for the parties and have perused the paper book.

In view of the fact that the CBI has already given its no objection for removal of endorsement on the sale deed bearing No.6927 dated 05.01.2001, the same is ordered accordingly. Consequently, both the Crl. Misc. Application filed in CRA-S No.3593-SB of 2012 and the Crl. Misc. Petition are disposed of.

(JAISHREE THAKUR)
JUDGE

November 16, 2020

Pankaj*

Whether speaking/reasoned Yes/No

Whether reportable Yes/No