

113.

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

CRM-M-11635-2021

Date of decision: 12.03.2021.

Rajiv Kumar Gupta

... Petitioner

Versus

Central Bureau of Investigation (CBI), Special Police Establishment, Anti
Corruption Branch, Chandigarh.

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Tribhuvan Dahiya, Advocate
for the petitioner.

Ms. Shubhra Singh, Advocate,
for the respondent-CBI.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 439 Cr.P.C. read with
Section 482 Cr.P.C. is to grant interim bail by suspending the sentence of the
petitioner in FIR No.RCCHG2016A00011 dated 21.05.2016, under Section
7 of Prevention of Corruption Act, 1988, registered at Police Station
CBI/ACB/Chandigarh, on account of marriage of his son fixed for
15.03.2021.

Learned counsel for the petitioner has argued that in the
aforesaid FIR, the learned Special Judge (CBI), Haryana at Panchkula has
convicted the petitioner under Section 7 and 13 (1) (d) read with Section 13
(2) of the Prevention of Corruption Act, 1988 vide order dated 08.03.2021.

The petitioner was accordingly taken in custody and is now required to be

produced for hearing on the quantum of sentence on 12.03.2021 i.e. today itself. He submits that the elder son of petitioner Kunal is getting married with Sonali on 15.03.2021, for which the petitioner is required to make all necessary arrangements. The petitioner being father of Kunal is required to perform certain marriage ceremonies which no other person except the petitioner can perform. He further submits that the Municipal Councillor of the area, where the petitioner is residing has also certified the factum of marriage. The petitioner may be admitted on interim bail.

Notice of motion.

At this stage, Ms. Shubhra Singh, Advocate has put in appearance and accepts notice on behalf of respondent-CBI. She does not dispute the factum of marriage. However, she submits that the petitioner has a remedy and instead of approaching this Court, the petitioner should have approached the learned trial Court for the relief claimed in this petition.

I have heard learned counsel for the parties.

Considering the fact that the marriage of the son of the petitioner, which is fixed for 15.03.2021, this Court finds that it would further supplement the agony of the petitioner in case the matter is relegated to the trial Court. Therefore, at this stage, while invoking provisions of Section 482 Cr.P.C. without making any observation as regards the quantum of sentence likely to be pronounced by the CBI Court but noticing the fact that the marriage of the son of the petitioner is fixed for 15.03.2021, the petitioner is admitted on interim bail for a period of 10 days subject to furnishing bail bonds/surety bonds to the satisfaction of the trial Court.

However, in case the learned CBI Court has not pronounced the quantum of sentence, it shall defer the same for another 10 days.

On completion of aforesaid period, the petitioner shall surrender before the trial Court.

The petition stands disposed of accordingly.

(HARI PAL VERMA)
JUDGE

12.03.2021
sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No