

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-42595-2020 (O&M)
Date of Decision:- 24.3.2021

Ajay Gupta and another

... Petitioners

Versus

Central Bureau Of Investigation Bank Security
and Fraud Cell New Delhi

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. R.S.Rai, Senior Advocate with
Ms. Rubina Vermani, Advocate, for the petitioners.

Mr. Sumeet Goel, Advocate, for CBI.

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioners have approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.RCBD1/2020/E/0005, dated 30.6.2020, Police Station CBI Bank Security and Fraud Cell, CBI, Headquarter, New Delhi, under

Sections 420, 468, 471,, 477-A, 120-B IPC read with Section 13(1) (D) of Prevention of Corruption Act.

2. At the time of issuance of interim directions motion the following order was passed on 22.12.2020:

“Learned senior counsel for the petitioners has pointed out that subsequent to the subject FIR (Annexure P-9), another case was registered on 10.09.2020 through FIR No.RCBD1/2020/E/0004, under Sections 420, 468, 467, 471, 120-B IPC read with Sections 13(2) and 13(1)(D) Prevention of Corruption Act, 1988 at Police Station CBI, Bank Security and Fraud Cell, CBI, Headquarter, New Delhi (Annexure P- 3) and the allegations in the said FIR echoes the voice of the present case. He has produced the copy of the order dated 18.12.2020 passed by this Court in CRM-M-42074-2020 granting pre-arrest bail to the petitioners in the subsequent FIR.

Learned counsel for the CBI has filed reply on behalf of the respondent. However, according to him, the allegations in both the FIRs may be common, but the complainants are different.

Heard.

Adjourned to 03.02.2021.

Meanwhile, the petitioners shall join the investigation and would come present as and when called for and in the event of arrest, the petitioners shall be admitted to interim bail on their furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioners shall also abide by the conditions as specified under Section 438 (2) Cr.P.C.

To be heard along with CRM-M-42074-2020.”

3. Today, the other matter i.e. CRM-M-42074-2020 arising out of an identical FIR was also taken up wherein the petitioners who are also arrayed as accused, have been granted the concession of anticipatory bail.
4. Learned counsel representing CBI has submitted that although the petitioners, pursuant to interim directions have joined investigation but there is apprehension that in case the petitioners are granted bail they may flee from justice or may tamper with the evidence. Learned counsel has however, informed that pursuant to interim directions issued in CRM-M-42074-2020, the petitioners have submitted their Passports wherein vide order of even date they have also been directed not to leave the country. It has further been submitted that since huge amount is involved in the instant case, no case for grant of anticipatory bail is made out.
4. Upon a query made by this Court, learned counsel representing CBI has informed that the investigation is still incomplete and inconclusive and is likely to take time.
5. I have heard the learned counsel representing the petitioners and also the learned counsel representing CBI. No doubt it is a case where colossal amount is involved, but it is yet to be determined whether the amount in question has been siphoned off upon petitioners or as to whether it is on account of genuine losses suffered by the petitioners that the same could not be repaid. In any case since the petitioners are stated to have joined investigation and have also surrendered their Passports and it is not the case of CBI that the

petitioners during the course of interim bail have not cooperated or have misused the concession of interim bail, the custodial interrogation of the petitioners is not warranted. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 22.12.2020 are hereby made absolute subject to the condition that the petitioners shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

6. It is clarified that the petitioners shall not leave the country and shall continue cooperating with the investigation and shall be available as and when directed by the Investigating Officer.

March 24, 2021
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No