



CRM-M-19736-2024
DECIDED ON:06.05.2024

.....PETITIONER

.....RESPONDENT

Mr. Sajan, Advocate for
Mr. Gagandeep Singh Wasu, Advocate
for the respondent-CBI.

2. It has been contended by learned counsel for the petitioner that his name was not disclosed even in the source of information given by the alleged source on the basis of which FIR was registered by the Central Bureau of Investigation. He further contends that there is no incriminating material qua the petitioner with the respondent-Investigating Agency regarding demanding or offering illegal gratification. He is neither beneficiary nor in any manner involved

in connivance with other co-accused persons, therefore, Section 120-B IPC as well as Sections 7, 7A, 8 and 12 of Prevention of Corruption Act, 1988 would not be attracted.

3. The argument of learned counsel for the petitioner is that the petitioner neither has any relation of concern with M/s E.C. Blades and Tools Private Limited or its Director, nor the petitioner is in any manner associated to Praveen Vyas or his employees. Nor the petitioner is in any manner related to Ravi Shekhar Sinha, IRSS. The name of the petitioner was roped in just to make a scapegoat whereas, the real culprits are the person in whose favour the amount has been exchanged. It is further argued that the petitioner is only a ex-employee of Kutee Equipments Pvt. Ltd. and therefore, it is hard to believe that he will handover the money on the instructions of Parveen Vyas through his employee Pavan Kumar Singh to Ravi Shekhar Sinha with whom the petitioner has no relation or concern whatsoever.

4. Custody certificate of the petitioner has been filed by learned counsel appearing for respondent-CBI, to assert that he is behind bars for the last one months. Admittedly, as per the custody certificate, there is no other case against the petitioner meaning thereby, he is a person of clean antecedents.

5. Be that as it may, apart from the afore-said facts, investigation is stated to be completed wherein, charges are yet to be framed, which is sufficient for this Court to infer that conclusion of trial shall take sufficient time and nothing is to be recovery from the petitioner, this Court is of considered view that no useful purpose would be served by detaining the petitioner behind the bars for an indefinite period, which would also tantamount to infringement of his right to life and liberty including his right to speedy trial and expeditious disposal under Article 21 of Constitution of India and also against the basic principle of criminal jurisprudence

i.e “Bail is a rule, jail is an exception” as elucidated in the judgement of Apex Court in “*Dataram Singh vs. State of Uttar Pradesh and another;, (2018) 3 SCC 22*”.

6. In view of the discussions made hereinabove, the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.
7. The present petition is, hereby, allowed.
8. However, anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

06.05.2024

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(SANDEEP MOUDGIL)
JUDGE

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