

2024:PHHC:163691



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

240. CRM-M-39015-2024
Date of decision: 09.12.2024
Anup SinghPetitioner

Versus

Central Bureau of Investigation, ACB, Plot No.8, Sector 30-A, Chandigarh
....Respondent

241. CRM-M-40849-2024
Sanjay Kumar SrivastavaPetitioner

Versus

CBI/ACB, Sector 30-A, ChandigarhRespondent

CORAM: HON’BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. R.S. Rai, Senior Advocate with
Mr. S.P.S. Aulakh, Advocate,
Mr. Karan Pathak, Advocate,
Mr. Ribhav Singla, Advocate, for the petitioner.

Mr. Akashdeep Singh, Spl. P.P., CBI with
Mr. Himanshu Rajput, Advocate, for the respondent-CBI.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioners, in both the petitions, detailed hereinabove, are seeking the concession of bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in case FIR No.RC0052024A0005, dated 15.02.2024, under Section 120-B of IPC and Section 7 of Prevention of

Corruption Act, 1988 (as amended in 2018) registered at Police Station CBI, ACB, Chandigarh.

2. Since both these petitions have arisen out of the same FIR, they are being taken up together for disposal by this common order.

3. Learned senior counsel appearing on behalf of the petitioners submits that petitioner Anup Singh was posted as Regional Passport Officer whereas petitioner Sanjay Kumar Srivastava was Assistant Passport Officer. There was no occasion for both of these petitioners to have made the alleged demand for bribe for clearing the application for grant of passport for the complainant's granddaughter. It has been submitted that while petitioner Anup Singh had cleared the file of the complainant's granddaughter on 20.12.2023, petitioner Sanjay Kumar Srivastava never dealt with the file of the complainant's granddaughter as it had already been dealt with prior to his posting as APO. It has been further asserted by the learned senior counsel that it is not even the case of the prosecution that the petitioners were apprehended by the raiding party. Learned senior counsel submits that since challan in the case stands presented and even charges have been framed, further incarceration of the petitioners would serve no useful purpose as there can be no apprehension of either of them tampering with evidence or influencing the witnesses. It has also been submitted that it was co-accused Hari Om, who was initially apprehended accepting bribe of Rs.25,000/- from the complainant has since been enlarged on interim bail on medical grounds.

4. *Per contra*, learned counsel appearing on behalf of respondent-CBI while opposing the prayer and submissions made by learned counsel opposite, on instructions, has neither disputed the custody period of the petitioners nor the stage of trial. It has also not been disputed by the learned counsel for respondent-CBI that petitioner Anup Singh had cleared the file of complainant's granddaughter much prior to the alleged raid on 16.02.2024.
5. I have heard learned counsel for the parties and perused the material placed on record.
6. Petitioners are in custody since 16.02.2024. Challan in the case has been presented and charges have been framed. Trial in the case will take considerable time to conclude.
7. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioners.
8. Accordingly, the instant petitions are allowed and the petitioners be admitted to bail on their furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

December 09, 2024
sanjeev

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