

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

222

2024:PHHC:018528

CRM-M-63944-2023

Date of decision: February 9th, 2024

Ashim Kumar Sen

.....Petitioner

Versus

Central Bureau of Investigation, Chandigarh

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Atul Goyal, Advocate
for the petitioner.

Mr. Gagandeep Singh Wasu, Special Public Prosecutor,
CBI.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.RC0052023A0029 dated 16.11.2023 under Section 7 of the Prevention of Corruption Act, 1988, registered at Police Station CBI, ACB, CHG District Chandigarh.

2. Learned counsel for the petitioner, *inter alia*, contends that after the petitioner was arrested on 16.11.2023 in a case of false implication, the investigation had since concluded and even challan presented, however, charges had not yet been framed and hence, there was no likelihood of the trial concluding anytime in the near future. A prayer has, therefore, been made to extend the concession of bail to the petitioner. Learned counsel has reiterated that the CBI could not have on its own registered the case against the petitioner as he was not a Central Government Employee. In support, he has drawn the

attention of this Court to Annexure P-2, which is a copy of the resolution of Ministry of Home Affairs.

3. *Per contra*, learned counsel for the CBI while opposing the prayer and submissions made by the counsel opposite, has submitted that the petitioner, who was working as a Senior Deputy Manager in Verka Milk Plant, was caught accepting bribe of ₹30,000/- by the trap team. Learned counsel for the CBI has however not disputed that the investigation in the case in hand is complete as final report under Section 173 of the Cr.P.C. stands presented before the trial Court.

4. On a pointed query put to the learned counsel for the CBI as to whether the petitioner has any criminal antecedents, he on instructions, has replied in the negative. However, he submits that the charges were likely to be framed against the petitioner on 22.02.2024.

5. I have heard learned counsel for the parties and perused the material placed on record.

6. The petitioner was allegedly nabbed while accepting illegal gratification of Rs.30,000/- from the complainant. The possibility of the trial concluding in the near future looks remote as the charges have not yet been framed. The petitioner has been in custody since 16.11.2023 and is not stated to be involved in any other criminal case.

7. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner. The instant petition is allowed. The petitioner be admitted to bail 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.

8. Needless to say, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

February 9th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No