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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL.M.C. 717/2024 & CRL.M.A. 2875/2024 (Stay)**

SANJAY BANSAL

..... Petitioner

Through: Mr. Puneet Mittal, Senior Advocate
with Mr. Arvind Gupta, Mr. Rishi
Bhardwaj, Mr. Abhiesumat Gupta,
Ms. Shakshi Mendiratta and Mr.
Shivank S.Singh, Advocates.

versus

CENTRAL BUREAU OF INVESTIGATION

..... Respondent

Through: Mr. Mridul Jain, SPP for CBI with
Ms. Ruby Sharma, Advocate.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

05.04.2024

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1. The present petition under Section 482 of the Code of Criminal Procedure, 1973 seeks following prayers:-

“It is, therefore, most respectfully prayed that this Hon'ble Court may kindly be pleased to:-

a) quash the proceedings qua the present petitioner arising out of R.C. No. 4/86, 6/86 and 9/87 CBI, SIU. IX pending in the court of Sh. Naveen Kumar Kashyap, Ld. CMM, Rouse Avenue Court, Delhi bearing registration no. 220/2019, titled as "CBI Vs. S.K. Tyagi & Ors.";

b) Pass such other and further orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.”

2. Learned Senior Counsel appearing on behalf of the petitioner submits that *vide* a judgment of the Co-ordinate Bench of this Court dated 20.12.2023 in CRL.M.C. 4370/2019 proceedings with respect to the brothers of the present petitioner, namely, Amit Bansal and Vikas Bansal have been quashed. It is pointed out that the role of the present petitioner is similar to



those aforesaid petitioners in the said petition. It is pointed out that the aforesaid judgment was passed by the learned Co-ordinate Bench of this Court on the ground of a one time settlement with the complainant bank/Punjab and Sind Bank and in view of the above, the present petition should also be allowed on the grounds of parity.

4. Learned SPP appearing on behalf of the respondent Department has placed on record the response to the present petition opposing the same wherein it has been stated that the role of the present petitioner is different with respect to the other two aforesaid Amit Bansal and Vikas Bansal.

5. Heard learned counsel for the parties and perused the record.

6. Judgment dated 20.12.2023 passed by learned Co-ordinate Bench of this Court in CRL.M.C. 4370/2019 records as under:-

“8. The present RCs were got registered in the years 1986-87 and the charge-sheet was filed in the year 1988. The petitioners are facing the trial since last more than 32 years which is a considerably long period. The right to speedy trial is a fundamental right guaranteed under Article 21 of the Constitution of India which cannot be denied to an accused person. The dispute subject matter of the present RCs, pertaining to the petitioners, being civil in nature, has already been settled between the Bank and the petitioners and the Bank has received the entire settled amount. No useful purpose shall be served if the proceedings arising out of the present RCs are allowed to be continued and it would be an exercise in futility. After considering all facts and in the interest of justice, the present petition is allowed and RCs bearing nos. 04/86-CIU (E) II, 06/86-CIU (E) II and 09/87-SIU (IX) are quashed qua the petitioners along with all consequential proceedings including judicial proceedings stated to be pending in the court of Sh. Naveen Kumar Kashyap, CMM, Rouse Avenue Courts, Delhi/Successor Court.

9. The present petition, along with pending application, stands disposed of.”

7. On a pointed query from learned SPP for the CBI it is stated that the department is not filing any SLP against the aforesaid judgment. It is a



matter of record that, except for quantum of the amount credited to the account of the petitioner, the role assigned to the present petitioner as well as the petitioners in the aforesaid judgment is identical.

8. As pointed out hereinabove, the aforesaid judgment quashing the proceedings *qua* the brothers of the present petitioner was on account of a one time-settlement between the complainant bank and the accused persons and as well as on delay.

9. In view of the aforesaid the present petition is allowed and the proceedings *qua* the present petitioner arising out of R.C. Nos. 4/86 CIU(E) II, 6/86 CIU(E) II and 9/87 SIU IX, registered with CBI pending in the Court of Sh. Naveen Kumar Kashyap, Ld. CMM, Rouse Avenue Court, Delhi bearing registration no. 220/2019, titled as “CBI Vs. S.K. Tyagi & Ors.” is hereby quashed.

10. The petition is allowed and disposed of accordingly.

11. Pending application(s), if any, also stand disposed of.

AMIT SHARMA, J

APRIL 05, 2024/sn

Click here to check corrigendum, if any