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

+ **CRL.M.C. 4539/2022**

**CENTRAL BUREAU OF INVESTIGATION.....Petitioner**

Through: **Mr. Rajesh Kumar, SPP  
with Ms. Mishika Pandit,  
Mr. Mohd. Changez Khan  
& Mr. Yash, Advocates.**

versus

**DEVENDER GUPTA & ORS. ....Respondents**

Through: **Mr. Gagan Minocha,  
Advocate for R-1.  
Mr. Bhavook Chauhan &  
Mr. Tushar Yadav,  
Advocates.**

**CORAM:**

**HON'BLE MR. JUSTICE AMIT MAHAJAN**

**ORDER**

**06.11.2024**

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1. The present petition is filed seeking cancellation of the bail granted to the respondents by an order dated 01.11.2002 (hereafter '**the impugned order**'), passed by the learned Trial Court.
2. The RC No. 47(A)/99/CBI/ACB/ND was registered way back on 29.09.1999 alleging that Respondent No.1 had acquired huge assets in his name and in the name of his family members by corrupt means which were disproportionate to his known source of income.
3. It was alleged that certain properties were acquired for which Respondent No.1 could not account for. Respondent Nos.2 and 3 are the mother and wife of Respondent No.1 respectively.
4. The learned Trial Court, in the impugned order, observed



that Respondent No.1 is on anticipatory bail granted by an order dated 22.09.2000, passed by this Court, and admitted the respondents on bail.

5. It is relevant to note that no condition was imposed by the learned Trial Court while admitting the respondents on bail. It is also relevant to note that this Court had also not imposed any conditions while admitting Respondent No.1 on anticipatory bail except that he would join and cooperate with the investigating agencies.

6. It appears that the chargesheet was thereafter filed and the matter proceeded for trial.

7. The present petition has been filed at this belated stage alleging that certain properties which were referred in the chargesheet to have been acquired by the respondents, for which the respondents could not account for, have been sold.

8. It is alleged that one property was sold by way of Sale Deed dated 01.10.2012 by Respondent Nos.2 and 3. It is also alleged that Respondent No.1 had executed an Agreement to sell dated 31.01.2013 in regard to another property.

9. The learned counsel for Central Bureau of Investigation ('CBI') submits that the same amounts to tampering with the evidence.

10. The contention raised on behalf of the CBI is meritless.

11. It is undisputed that the properties that were parted with are owned by the respondents. It is not the case of the CBI that any order in regard to the attachment of the property was ever passed by the CBI.

12. In such circumstances, in the opinion of this Court, the respondents were not impeded from selling the properties.

13. It is also contended by the CBI that in case the properties



are sold, the same would not be available for confiscation in case the respondents are convicted. The said contention, even if taken at the highest, cannot be a ground for cancellation of bail that was granted to the respondents way back in the year 2002. It is undisputed that the trial has since proceeded as well.

14. Even otherwise, the properties in question were sold or sought to be sold way back in the year 2012 and 2013 respectively. On being pointedly asked, the learned counsel for CBI states that no order for attachment has also been passed in regard to other properties.

15. Thus, in such circumstances, the contention of the CBI that the respondents should not be permitted to deal with the properties is without any merit.

16. The petition is, therefore, dismissed.

**AMIT MAHAJAN, J**

**NOVEMBER 6, 2024**

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