



\$~27

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

+ **CRL.M.C. 4499/2019**

CAPT. CHARANJIT PAL SINGH WARAICH..... Applicant

Through: Mr. Maninder Singh, Sr.
Adv. with Ms. Simran
Chaudhary, Mr. Harsh
Vashisht & Ms. Smriti
Asmita, Advs.

versus

STATE & ORS. Respondent

Through: Mr. Utkarsh, APP for the
State
SI Sachin, PS- R.K. Puram

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

22.01.2024

%

1. The present application is filed under Section 439(2) of the Code of Criminal Procedure, 1973 seeking cancellation of pre-arrest bail granted to Respondent No.4 by the learned Additional Sessions Judge, Patiala House Courts, New Delhi *vide* order dated 09.07.2019.

2. The learned senior counsel for the applicant submits that there is a complete failure on the part of the investigating agency to investigate the present case in a proper manner.

3. He submits that a large number of people have been cheated, and their moneys have been misappropriated. He submits that the chargesheet has been filed by the State only under Section 420 of the Indian Penal Code, 1860 ('IPC') whereas, clearly, the offences under Sections 406 and 467 of the IPC are also made out. He submits that the Investigating Agency is hand in glove with the accused persons.



4. The learned Additional Public Prosecutor for the State, however, disputes the said contention and submits that the investigation has been carried out in accordance with law. He submits that it is the prerogative of the State to arrest or to not arrest the accused, and it is only when a necessity is felt that the accused is required to be arrested, that such steps are taken.

5. The learned senior counsel for the applicant relies upon the judgment passed by the Hon'ble Apex Court in ***Kanwar Singh Meena v. State of Rajasthan & Anr.: (2012) 12 SCC 180*** and ***Sunil Dahiya v. State (Govt. of NCT of Delhi): 2016 SCC OnLine Del 5566***, to contend that the pre-arrest bail, in such circumstances, ought not to have been granted, where the allegations relate to huge amount of moneys being siphoned off. The law in relation to the grant of pre-arrest bail in such economic offences is clear.

6. Lastly, he submits that since the chargesheet has already been filed, he would take appropriate steps to file a protest petition before the learned Trial Court, and seeks liberty to withdraw the present petition.

7. In view of the above, the present petition is dismissed as withdrawn with liberty to the petitioner and other complainants to file an appropriate application before the learned Trial Court, raising all the grievances.

8. As and when any such application is filed, it is expected that the learned Trial Court will consider the same expeditiously.

AMIT MAHAJAN, J

JANUARY 22, 2024
“SS”