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

+ CRL.M.C. 7098/2023

ARUN KANT YADAV & ANR.

.....Petitioners

Through: Mr. Vidur Mohan, Mr. Kaushal Kumar
Singh and Ms. Tanya Jain, Advocates

versus

CBI THROUGH ITS DIRECTOR

.....Respondent

Through: Mr. Anupam S. Sharma, SPP-CBI
with Mr. Prakarsh Airan, Ms. Harpreet
Kalsi, Mr. Ripudaman Sharma, Mr.
Vashisht Rao and Mr. Syamantak
Modgill, Advocates

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER
13.01.2025

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1. This hearing has been done through hybrid mode.
2. The present petition under Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') seeks the following prayers:-

“(a) Quash the Order dated 10.08.2023 passed by the Hon’ble Trial court in matter titled as CBI Vs. Gurjit Singh Bir & Ors. Vide CBI case No. 29/2021 and cancel the NBW’s as well as the proceedings under section 82 CrPC issued against the Petitioners.

(b) Direct the investigating officer not to proceed further for declaring the petitioner proclaimed offender till the disposal of the present petition. 33

(c) Pass such other order(s) as this Hon’ble Court may deem fit and proper in the interest of justice, equity and good conscience.”

3. Vide order dated 10.08.2023, two applications filed by the petitioner,



one for cancellation of Non-Bailable Warrants and for stay of proceedings initiated under Section 82 of the Cr.P.C. and the other application being under Section 438 of the Cr.P.C. seeking anticipatory bail was dismissed by the learned Trial Court.

4. When the present petition was listed for the first time, the Coordinate Bench of this Court had passed the following order, the order dated 27.09.2023 reads as under:-

“.....

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1. By way of the present petition, the petitioners impugn the order dated 10th August, 2023, passed by the Special Judge (PC Act), Rouse Avenue District Court, New Delhi, whereby the application of the petitioners seeking cancellation of the non-bailable warrants as well as stay of the proceedings initiated under Section 82 of the Code of Criminal Procedure, 1973 (CrPC), was dismissed.
2. Counsel appearing on behalf of the petitioners submit that the petitioners have throughout been ready and willing to appear before the investigating authority and join investigation. In this regard, attention of the Court has been drawn to the application filed before the Trial Court, filed as Annexure A-2 to the present petition. Even in the hearing before the Trial Court, the petitioners appeared through video conferencing.
3. Issue notice.
4. Notice is accepted by learned counsel appearing on behalf of the CBI.
5. Let Status Report be filed.
6. List on 9th February, 2024.
7. Till the next date of hearing, subject to the petitioners appearing before the investigating authority and joining investigation and fully cooperating in the same, the proceedings under Section 82 of the CrPC shall stay in abeyance.”

5. Learned counsel appearing on behalf of the petitioners submits that he is not challenging the order qua anticipatory bail but with respect to non



bailable warrants. Pursuant to the passing of the aforesaid order, the learned counsel for the petitioners submits that the petitioners have joined the investigation and their addresses have also been verified by the concerned Investigation Officer.

6. It is submitted that, in view of above, the Non-Bailable Warrants issued by the concerned Court and the proceedings under Section 82 of the Cr.P.C. may be set aside.

7. Learned SPP for the CBI submits that the Non-Bailable Warrants as well as the proceedings under Section 82 Cr.P.C. were completely justified as the petitioners were not cooperating with the investigation.

8. It is however submitted that pursuant to the order passed by this Court on 27.09.2023, the petitioners have joined investigation and their addresses have also been verified.

9. In view of the above, the Non-Bailable Warrants issued *vide* order dated 12.12.2022 are set aside. It is, however, made clear that this Court has not expressed any opinion on the merits of the case with regard to the anticipatory bail application moved by the petitioners.

10. With these observations, the present petition stands disposed of.

AMIT SHARMA, J

JANUARY 13, 2025/NG