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

+ **BAIL APPLN. 3730/2023**

MOHIT JAISWAL

.....Petitioner

Through: Mr. Aditya Aggarwal, Mr. Naveen
Panwar and Ms. Kajol Garg,
Advocates.

versus

CENTRAL BUREAU OF INVESTIGATION

.....Respondent

Through: Mr. Ravi Sharma, SPP with Mr.
Swapnil Choudhary, Mr. Ishann
Bhardwaj, Mr. Sagar and Ms.
Madhulika Rai Sharma, Advocates.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

07.02.2025

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CRL.M.A. 3893/2025 (seeking exemption)

1. Exemption is granted, subject to all just exceptions.
2. The Applicant shall file legible and clearer copies of exempted documents, compliant with practice rules, before the next date of hearing.
3. Accordingly, the application stands disposed of.

CRL.M.A. 3892/2025 (seeking recall of judgment dated 28th January, 2025)

4. Through the present application, Petitioner seeks recall of judgment dated 28th January, 2025 on the ground that there is an error apparent on the face of the record. The Petitioner submits that in Paragraph No. 11 of the aforementioned judgment, it has been wrongly noted that co-accused persons Vinod Jaiswal and Anil Kumar are absconding. In fact, it is pointed out that



both of them are currently in custody and CBI has mentioned the wrong facts before the Court. Therefore, the Petitioner urges that this ground is no longer sustainable for denying the bail to the Applicant and as such, the judgment dated 28th January, 2025 should be recalled by this Court and bail ought to be granted to the Petitioner.

5. Mr. Ravi Sharma, SPP for CBI, acknowledges that in reply dated 27th January, 2024, it was mentioned that the co-accused were absconding. He admits that as on the date of passing of the judgment, both co-accused were in custody and this fact was inadvertently not brought to the notice of the Court. However, he clarifies that further investigation in terms of cracking down on the larger conspiracy of drug trafficking across international boundaries *via* parcel/courier service is still ongoing.

6. Thus, in light of the aforementioned clarification given by CBI, indeed, the fact noted in Paragraph No. 11 of the judgment dated 28th January, 2025 is factually incorrect. Nonetheless, the Court has considered and weighed whether this ground alone, even if its not factually sustainable, would entitle the Petitioner to the grant of bail. On this issue, after hearing the counsel for parties, the Court is not inclined to review its final decision given in the impugned judgment. The reasons for denying the bail to the Petitioner are not solely based on the fact that the co-accused were absconding. There are other factors and considerations discussed in the impugned judgment, which are applicable and which bear on the mind of this Court to deny bail to the Petitioner.

7. In light of the above, paragraph 11 of the impugned judgment dated 28th January, 2025, is clarified, to the effect that the co-accused Vinod Jaiswal and Anil Kumar have been apprehended and are in judicial custody.



8. With the above directions, the present application is disposed of.

FEBRUARY 7, 2025
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SANJEEV NARULA, J