



2025:DHC:4403



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Reserved on: 16st May, 2025Pronounced on: 27th May, 2025

+ BAIL APPLN. 4536/2024

RAVINDER DHAKA

.....Petitioner

Through: Mr. Pamod Kumar Dubey,
Sr. Adv. with Mr. Aditya
Singh Deshwal, Ms. Pinky
Dubey, Mr. Prince Kumar,
Ms. Amrita Vatsa, Ms.
Suchita Kumbhat and Mr.
Charu Tomar, Advs.

versus

CENTRAL BUREU OF INVESTIGATIONRespondent

Through: Mr. Anupam S. Sharma,
SPP-CBI with Ms. Harpreet
Kalsi, Mr. Ripudaman
Sharma, Mr. Vashisht Rao,
Advs.

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

JUDGMENTRAVINDER DUDEJA, J.

1. This is a petition under Section of 483 BNSS, 2023 read with Section 439 Cr. PC, filed on behalf of the petitioner in RC0032024A0021, registered under Section 7 of the Prevention of Corruption Act, 1988.



2. The brief facts are that On 01.07.2024, a complaint was received from one Sh. Arun Kumar that his brother Koshinder was falsely implicated in an NDPS case by showing false recovery of NRX medicines in commercial quantity from him. The complainant alleged that Ravinder Dhaka (petitioner) and Praveen Saini (co-accused) demanded bribe of Rs. 10 lakhs from the complainant to provide him the details of NRX medicines so that fake bills can be prepared and presented before the competent court for the release of Koshinder.

3. Complaint Verification Proceedings were carried out and conversation of the petitioner and the co-accused demanding illegal gratification of Rs. 10 lakhs from the complainant were recorded in the DVR. Thereafter, the present FIR was registered under Section 7 of Prevention of Corruption Act, 1988.

4. A trap was laid against the petitioner and co-accused on 03.07.2024. Complainant was carrying Rs. 4 lakhs in cash along with a discretely placed DVR and he entered the car of the co-accused – a Black Mahindra SUV 300, having temporary registration number. When the petitioner and co-accused saw the CBI team approaching, they fled away. Petitioner threw away the bribe amount of Rs. 3 lakhs but the bribe money of Rs. 1 lakh remained in the car. Petitioner destroyed the DVR which was with the complainant and abuse the complainant and also pointed his pistol on his head. Thereafter, he was left near Britannia Chowk.



5. Complainant was intimidated by the threats of the petitioner and the co-accused, hence, FIR No. 182/2024, under Section 140 (3)/309/351(2)/3(5), BNS was registered at PS Roop Nagar at the behest of the complainant. Petitioner was arrested on 02.08.2024 i.e. almost a month after the incident, in connection with the present case.

6. The application for the petitioner for grant of regular bail was rejected by the learned Special Judge (PC Act) vide order dated 09.10.2024.

7. Learned counsel for the petitioner advanced oral arguments, supplemented by the written submissions. He submits that there are multiple contradictions regarding the complainant's presence during the verification proceedings on 02.07.2024 as his call detail records do not align with the plaint time line and the explanation provided by the CBI about the complainant handing over his phone to a friend is unsubstantiated and not recorded in the verification memo. It has been contended that public servants including the Head Constable Rakesh Jeena was forced by CBI Officers to give false statements and identified the petitioner's voice, which HC Rakesh Jeena later retracted in his police diary entry. It is submitted that FIR No. 182/2024 regarding abduction and assault has been registered with an unexplained delay of three days and without any supporting medical evidence or call records. It is also submitted that the vehicle used in the offence i.e. Black Mahindra SUV 300 does not belong to the petitioner and was not recovered at his instance. It has also been



submitted that petitioner has since been terminated from the job and is the sole bread earner of his family and has been in custody for the last about ten months and did not misuse the liberty of interim bail granted to him for two weeks. Reliance was placed on the judgment of the Hon'ble Supreme Court in the case of **Manish Sisodia Vs. CBI, SLP (Crl.) No. 8772/2024 & Arvind Kejriwal Vs. Directorate of Enforcement in Criminal Appeal No. 2493/2024**, wherein, it was observed that while granting bail, the Court must adhere to the settled principles of law that "bail is the rule and jail is the exception". Reliance has been also placed on the following judgments:-

- i. ***Yudhveer Singh Yadav vs CBI, Bail Appl No. 3015/2017***
- ii. ***Anil Mahajan v Commissioner of Customs & Ors., 2000 CriLJ 2094***
- iii. ***Anuj Gupta vs CBI, Bail Appl No. 279/2022***
- iv. ***Dr. L Praveen Kumar v CBI, Bail Application no. 2202/2022***
- v. ***Bibhav Kumar v State of NCT of Delhi, SLP (Crl) 9817/2024***
- vi. ***Manish Sisodia Vs CBI, SLP (Criminal) No. 8772 of 2024***
- vii. ***Vijay Nair v Directorate of Enforcement, SLP (Crl) Diary No. 22137/2024***
- viii. ***Jalaluddin Khan vs Union of India, CRL Appeal No. 3173/2024***
- ix. ***Arnesh Kumar Vs State of Bihar, MANU/SC/0559/20214***
- x. ***Sanjay Chandra vs CBI, MANU/SC/1375/2011***
- xi. ***Satender Kumar Antill Vs CBI, MANU/SC/0851/2022***
- xii. ***Hari om vs Directorate of Enforcement, MANU/DE/8096/2024***
- xiii. ***Prabhakar Tiwari vs State of U.P, SLP CRL No. 9207/2019***
- xiv. ***Mumtaz vs State of Net Delhi, Bail appl No. 3165/2022***
- xv. ***Rup Bhadur Magar vs stale of west Bengal, SLA CRL No. 11589/2024***



8. Given that the offence under Section 7 of the PC Act carries a maximum sentence of seven years, the learned counsel urged the Court to balance the petitioner's liberty with the need for a fair trial. Conclusively, it is submitted that the petitioner has been in custody since his arrest on 02.08.2024 and charge sheet has already been filed, there is no requirement of keeping the petitioner in further custody. It is further submitted that petitioner has deep roots in the society and there is no apprehension of his absconding or tampering with the evidence and hence prayed for grant of bail.

9. *Per contra*, Mr. Anupam Sharma, Special PP for the CBI, has vehemently opposed the bail application. He has also supplemented his oral arguments with written submissions. He submits that petitioner is a habitual offender and has been previously charge-sheeted in another CBI case bearing RC 0032023A0040 for similar offences, indicating a consistent pattern of demanding and accepting bribes. It is argued that having come to know about the trap, petitioner tried to tamper with the evidence, threatened and beat the complainant and fled away from the spot. It is argued that the case fails the "triple test" for bail as he is a flight risk, having absconded for nearly a month after fleeing from the spot, tampered with evidence by discarding crucial items and threatened the complainant. It is submitted that the cross examination of witnesses is yet not complete and thus there is a possibility that on being released on bail, he may threaten or intimidate the witnesses.



10. Learned SPP further submits that the allegations of abduction and destruction of evidence are well supported by CCTV footage, the witnesses statements and the complainant's detailed account. It has been contended that petitioner and co-accused forcibly took the complainant in a car and attempted to destroy key evidence, including a DVR and currency notes, assaulted and threatened him before dumping him at a public place. It is submitted that petitioner being a habitual offender and considering the gravity of offence, is not entitled for the grant of bail.

11. I have considered the rival submissions and have perused the material placed on record.

12. Section 7 of the Prevention of Corruption Act criminalizes the offence relating to public servant accepting or obtaining undue advantage or accepting any gratification as a motive or reward for performing or causing the performance of public duty improperly or dishonestly.

13. The "triple test" for granting bail refers to the three key factors that the Court considers when deciding whether to release an accused person on bail. Even though, during trap, petitioner fled away from the spot and evaded his arrest for a period of about one month, he later himself surrendered on 02.08.2024. He was also granted interim bail by the court. There is no allegation that he in any manner misused the grant of interim bail. That being so, it cannot be said that he is a flight risk.



14. The investigation is complete and charge sheet has already been filed. The witnesses are in the process of being examined before the Court. It was informed during arguments that three witnesses have been partly examined. It is not alleged that examination of the witnesses is getting delayed because of any act attributed on the part of the petitioner. Thus, there is no possibility of tampering with the evidence.

15. During arguments, it was also brought to the notice that petitioner has since been terminated, and therefore, he is not in a position to influence the witnesses. Thus, the triple test for grant of bail tilts in favour of grant of bail to the petitioner.

16. Admittedly, petitioner is involved in another CBI case of similar nature, in which, he has been previously chargesheeted for similar offence, but charge sheet in the said case has been filed without arrest. For the alleged act of abduction and intimidation, a separate FIR has already been registered, but petitioner has not been arrested in the said case. Be that as it may, the law will take its own course.

17. The offence, no doubt, is grave and serious and there are two more criminal case pending against the accused but these factors by themselves cannot be the sole basis for denial of bail, particularly when the “triple test” for grant of bail stands satisfied. Trial may take long time to conclude. Right to speedy trial is an essential part of Article 21. Delay in trial proceedings without fault of accused is a



ground for bail. Petitioner has already been in custody for more than nine months. Thus, taking into consideration the period spent in custody and there being no likelihood that trial would conclude in near future, keeping in view the facts and circumstances of the case, I deem it appropriate to admit the petitioner to bail, subject to his furnishing a personal bond in the sum of Rs. 50,000/- with one surety of the like amount to the satisfaction of the trial court, subject to following conditions:-

- a) Petitioner shall not leave the country without prior permission of the trial Court.
- b) Petitioner shall appear before the trial Court, as and when directed.
- c) Petitioner shall share his mobile number with Investigating Officer and keep it operational at all times.
- d) Petitioner shall not, directly or indirectly, come in contact with witnesses of this case, in any manner.
- e) In case of change of residential address, petitioner shall immediately bring the same to the notice of the trial Court.

18. Petition is accordingly allowed. Needless to state that nothing stated in this judgment shall tantamount to an expression of opinion on the merits of the case and observations made in this order are only for the purpose of disposal of the bail application.



2025:DHC:4403



19. A copy of this order be sent to the Jail Superintendent for necessary information and compliance.

RAVINDER DUDEJA, J.

May 27, 2025

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