

CNR No.HRPK030006252024

Case No.CHI/55/2024

BA/567/2024

IA/2/2024

FIR No.RC0052020A0012 dated 5.8.2020

P.S. CBI, ACB, CHG

Present: Sh. Jaswinder Kumar Bhatti, Ld. Sr. Public
Prosecutor for the CBI.
Accused Raj Singh Gehlot in person represented
by S/Sh. Tanveer Ahmed Mir and Tushan Rawal,
Advocates.
Accused Company M/s Ambience Developers &
Infrastructure Private Ltd. represented by Accused
Raj Singh Gehlot.

1. Today, the case was fixed for appearance of the accused.
2. Pursuant to the notice, accused **Raj Singh Gehlot** appeared along with his Counsel. Power of Attorney on behalf of the said accused has been filed by S/Sh. **Tanveer Ahmed** Mir and **Tushan Rawal**, Advocates. The same is taken on record.
3. Accused has moved an application for grant of **bail** in the present case under Section-480 of BNSS (437 of the Cr.P.C. 1973). The application is accompanied with affidavit of the accused that this is his **first bail application** filed in the present case and no other bail application is pending in any other Court, nor is decided by any Court of Law in this case. The application is checked and registered.

4. Copy of the bail application supplied to Ld. Sr. P.P. for CBI and he orally opposed the bail-application moved by the applicant-accused. Arguments heard.

5. Ld. Counsel for the applicant-accused Raj Singh Gehlot contended that investigation in the case has already been completed by the CBI. During the course of investigation, the applicant-accused completely **cooperated** and was **never arrested** by the CBI. The applicant-accused peace loving citizen and has been falsely implicated in the present case. He will abide by all the terms and conditions as may be imposed by the Court and will not misuse the concession of bail. Ld. Counsel further contended that the applicant-accused has been **charged** for the commission of offences punishable under Section 120-B r/w 420 of IPC and substantive offence punishable under Section 420 of IPC. Therefore, in view of the fact that the accused was never arrested by the CBI during investigation and on conclusion of investigation, challan stood filed by the CBI, he may be released on bail in view of the law laid down by the Hon'ble Supreme Court of India in the cases titled as **Amanpreet Singh Vs. CBI, Criminal Appeal No.929 of 2021 (arising out of SLP(Crl.) No.5234 of 2021), Date of Decision 2.9.2021, Satender Kumar Antil Versus CBI & another,**

SLP(CRL.) No.5191 of 2021, decided on 11.7.2021 and Tarsem Lal Versus Directorate of Enforcement by the Hon'ble Supreme Court of India.

6. *Per contra*, Ld. Sr. P.P. for the CBI vehemently argued that the applicant-accused, if released on bail, is likely to flee from the course of justice. He further contended that the applicant-accused has been booked for the commission of serious offences and if released on bail, he is likely to influence the witnesses. He further prayed to pass an appropriate order as the Court may **deem fit** and in case the prayer of the applicant-accused is allowed, stringent conditions may be imposed upon him to ensure his presence during trial of the case.

7. I have carefully considered the rival contentions in the light of the material placed on record. Applicant-accused Raj Singh Gehlot has been summoned to face trial for the commission of offences punishable under **Section 120-B r/w 420 of IPC and substantive offence punishable under Section 420 of IPC**. The maximum punishment for alleged offences is **upto seven years**. There is no denial from the CBI to the assertions of the defence that the applicant-accused has completely co-operated during investigation and was **never arrested by the CBI**; and that

on completion of investigation, the **challan** in the case has already been **filed** by the CBI. Thus, there is nothing on record to even prima-facie support the apprehensions of the prosecution qua likelihood of fleeing of accused from justice, if he is granted the concession of bail. It is trite that bail is a rule and jail is an exception. Further, there is considerable force in the contentions of the defence that as per the law laid down by the Hon'ble Supreme Court of India in the cases titled as **Amanpreet Singh Vs. CBI (supra)** and **Satender Kumar Antil Versus CBI & another (supra)**, if the offence carries punishment upto seven years; the accused has cooperated during investigation; the investigating agency did not choose to arrest the accused; and on completion of investigation the challan has been filed in the Court without arresting the accused, then he should be released on bail subject to just exceptions.

8. Thus, keeping in view the attendant facts and circumstances of the case as elucidated above and in view of the law laid down by the Hon'ble Apex Court in the aforesaid cases, the applicant-accused is entitled to concession of bail in the present case. Accordingly, the instant **bail application** of accused Raj Singh Gehlot (**BA/567/2024**) is **allowed** subject to the following conditions:-

- (a) Applicants-accused Raj Singh Gehlot is directed to furnish the bail bonds in the sum of Rs.1,00,000/- (Rupees **One Lakh**) with one surety in the like amount each to the satisfaction of this court.
 - (b) During the pendency of this case, the applicant-accused shall not leave country (India) without prior permission of this court.
 - (c) The applicant-accused shall attend the hearing of this case on each and every date in accordance with the conditions of the bond and in his absence on any date (for any reason), his Counsel shall attend the hearing and would represent them on that date and he will not dispute his identity during the proceedings of the case on such date.
 - (d) The applicant-accused shall not commit any offence similar to the offence of which he is accused in the present case.
 - (e) The applicant-accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or to tamper with the evidence.
9. The requisite bail and surety bonds has been furnished by the applicant-accused, which have been accepted and attested.

10. Ahlmad is directed to send necessary intimation to the bank authorities concerned regarding the particulars of FDRs furnished by the sureties with direction of not permitting the encashment of these FDRs except with the permission of this Court and they are also directed to make necessary entries in their record, accordingly.

11. Further, accused Raj Singh Gehlot has also **suffered** a **statment** stating that in the present case he will also represent accused company M/s Ambience Developers & Infrastructure Private Ltd. being its **authorised representatives** and also placed on record a resolution passed by the Board of Directors qua the same.

12. Now, appearance of all the accused is complete.

13. At this stage, Ld. Defence Counsel has also moved an application (**IA/2/2024**) under Section 94 r/w 230 of BNSS (Section 91 and 207 of Cr.P.C.) seeking directions to CBI for **supply list of unrelid documents**. The application is checked and registered. Copy supplied to CBI. Adjournment sought on behalf of prosecution. Heard. Adjournment allowed.

14. However, at this stage, in compliance of mandate of Section 230 of BNSS 2023 (207 of Cr.P.C.), complete **copy of challan** and accompanied documents has been **supplied** free

of cost to the accused along with soft copy in Pen drive and a statement of the accused to this effect has also been recorded.

15. Now, to come up on **25.10.2024** for filing **reply** to application (**IA/2/2024**) by the CBI, **arguments** on the same and also for arguments on **charge**.

(Anil Kumar Yadav)
Special Judicial Magistrate,
CBI Haryana at Panchkula
UID Number HR-0415
21st September, 2024

arvind