IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

293 **CRM-31794-2025 and**
CRM-30428-2025 in/&
CRM-M-42377-2025 (O&M)

Date of decision: 18.08.2025

Dr. Amit Kumar Singal

....Petitioner

V/s

Central Bureau of Investigation

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Vikram Chaudhri, Senior Advocate with
Ms. Divya Bhagwan, Advocate for the petitioner.

Mr. Ravi Kamal Gupta, Retainer counsel for the CBI.

Mr. S.P. Jain, Senior Advocate with
Ms. Meghna Malik, Advocate
Mr. Gagandeep Jammu, Advocate for the complainant.

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SUMEET GOEL, J. (Oral)

CRM-31794-2025

This is an application under Section 528 of BNSS, 2023 for placing on record the reply filed on behalf of respondent-CBI.

Application is allowed as prayed for, subject to all just exceptions. Reply is taken on record. Registry to paginate the paper-book accordingly.

CRM-30428-2025

As the main petition has been allowed, no order is required to be passed in the instant application.

CRM stands disposed of.

CRM-M-37123-2025

1. Present petition has been filed under Section 483 of BNSS, 2023 for grant of regular bail to the petitioner in case bearing FIR

No.RC0052025A0011 dated 31.05.2025, registered for the offences punishable under Sections 61(2) of BNS, 2023 and Section 7 of Prevention of Corruption Act, 1988 as also Sections 7-A of Prevention of Corruption Act, 1988 and Section 308(2) of BNS, 2023 (added later on) at Police Station CBI, ACB, Chandigarh.

2. The gravamen of the allegations, as set out in the FIR, is that the petitioner, in active collusion with co-accused Harsh Kotak is involved in an FIR/regular case registered by the CBI under the Prevention of Corruption Act, 1988 and Section 61(2) of BNSS, 2023. It is alleged that both the accused persons demanded illegal gratification of Rs.45.00 lacs for resolving issues pertaining to an income tax notice etc. issued to the complainant. Consequently, the instant FIR was registered on 31.05.2025. After registration of the FIR, a trap was laid by the CBI team on the same day i.e. 31.05.2025 during which trap co-accused Harsh Kotak was allegedly apprehended at the residence of accused Amit Kumar Singal (petitioner herein) while accepting bribe of Rs.25.00 lacs on behalf of accused-petitioner Amit Kumar Singal from the complainant and recovery of bribe money of Rs.25.00 lacs was effected. As accused - Amit Kumar Singal had accepted the bribe from the complainant through co-accused Harsh Kotak, consequently, both the accused i.e. Harsh Kotak and Amit Kumar Singal were arrested by the CBI on 31.05.2025 and 01.06.2025 respectively.

3. Learned counsel for the petitioner; led by Sh. R.S. Cheema, Senior Advocate; has argued that the petitioner is in custody since 01.06.2025. Learned senior counsel has further iterated that the petitioner is a senior Income Tax Officer and, thus, there is no chance of his absconding from the process of justice. Learned senior counsel has further argued that

the investigation in the FIR in question is complete and trial will take its own time. Furthermore, it is emphasized that the trial, involving voluminous documentary and electronic evidence, is likely to take considerable time to conclude. It has been further argued that the petitioner is a man with clean antecedents. Learned senior counsel has further submitted that in view of the pendency of CRWP-6297-2025, instituted by the petitioner, before this Court and this Court being also in *seisin* of bail plea of co-accused namely Harsh Kotak (CRM-M-37123-2025), the petitioner seeks entertainment of the instant petition by this Court, without having availed the remedy before the concerned Special Judge/trial Court. On the strength of these submissions, the grant of regular bail is entreated for.

4. Respondent-CBI has filed reply dated 12.08.2025 opposing the grant of regular bail to the petitioner. Raising submission in tandem with the said reply, learned counsel appearing for the CBI has strenuously argued that the allegations raised against the petitioner are serious in nature and, therefore, the petitioner does not deserve the concession of regular bail. It has been further iterated that the petitioner, being a senior IRS officer, is the principal accused, who blatantly misused his official position and orchestrated the demand of illegal gratification through co-accused (Harsh Kotak). According to learned counsel, the complicity of the petitioner is *prima facie* established on the basis of cogent and credible material collected during investigation, including corroborated audio recordings, digital evidence and statements of prosecution witnesses. It has been canvassed that the petitioner has not even availed the remedy of approaching the Special Court/trial Court, at the first instance, for bail and entertaining such a petition directly before this Court would not only set an undesirable

precedent but may also encourage similarly placed accused persons to bypass the ordinary procedure thereby opening the floodgates for bail petitions directly before this Court. Thus, dismissal of the present petition is entreated for.

Learned State counsel seeks to place on record custody certificate dated 11.08.2025 in Court, which is taken on record.

5. Learned counsel appearing for the complainant; led by Sh. S.P. Jain, Senior Advocate; has vehemently opposed the grant of regular bail to the petitioner. It is submitted that the charge-sheet presented by the CBI is supported by cogent and credible material which clearly show the culpability of the petitioner in the offence in question. Learned senior counsel has further iterated that in the present case, the petitioner has misused his position as a senior IRS Officer by having notice(s) issued to the complainant for tax defaults and has even approached the concerned Assessing Officers so as to exert undue pressure upon the FIR-complainant. Such conduct *prima facie* establishes abuse of authority and reinforces the role of the petitioner as the principal accused. Learned senior counsel has further iterated that, in case the petitioner is extended the concession of regular bail, there is every likelihood that he may influence the witnesses thereby causing obstruction to the trial. On the strength of these submissions, dismissal of the petition in hand is canvassed for.

6. I have heard counsel for the rival parties and have gone through the available records of the case.

Prime issue

7. The seminal legal issues that arise for cogitation are; *firstly*, whether an accused is entitled to straightway approach the High Court under

Section 439 of the Code of Criminal Procedure, 1973/ Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail, without approaching the Sessions Court, in the first instance; *secondly*, in case, it is so permissible in law, whether the accused has such right, which is absolute in nature or whether such right stands circumscribed by certain defining factors.

The analogous issue that arises for consideration is as to whether the plea-in-hand, preferred straightway before this Court, for grant of regular bail, ought to be entertained and granted in its own factual *milieu.*

8. **Relevant statute**

I. **The Code of Criminal Procedure, 1898** (hereinafter referred to as 'Cr. P.C., 1898')

"***497.*** *(1) When any person accused of any non-bailable offence is arrested or detained without warrant by an officer in charge of a police-station, or appears or is brought before a Court, he may be released on bail, but he shall not be so released if there appear reasonable grounds for believing that he has been guilty of the offence of which he is accused.*

(2) If it appears to such officer or Court at any stage of the investigation, inquiry or trial, as the case may be, that there are not reasonable grounds for believing that the accused has committed such offence, but that there are sufficient grounds for further inquiry into his guilt, the accused shall, pending such inquiry, be released on bail, or, at the discretion of such officer or Court, on the execution by him of a bond without sureties for his appearance as hereinafter provided.

(3) Any Court may, at any subsequent stage of any proceeding under this Code, cause any person who has been released under this section to be arrested, and may commit him to custody.

498. *The amount of every bond executed under this Chapter shall be fixed with due regard to the circumstances of the case, and shall not be excessive; and the High Court or Court of Session may, in any case, whether there be an appeal on conviction or not, direct that any person be admitted to bail, or that the bail required by a police-officer or Magistrate be reduced.*"

II. **The Code of Criminal Procedure, 1973** (hereinafter referred to as 'Cr. P.C., 1973')

"***439. Special powers of High Court or Court of Session regarding bail.***—*(1) A High Court or Court of Session may direct,—*

(a) that any person accused of an offence and in custody be released on bail, and if the offence is of the nature specified in sub-section (3) of section 437, may impose any condition which it considers necessary for the purposes mentioned in that sub-section;

(b) that any condition imposed by a Magistrate when releasing any person on bail be set aside or modified:

Provided that the High Court or the Court of Session shall, before granting bail to a person who is accused of an offence which is triable exclusively by the Court of Session or which, though not so triable, is punishable with imprisonment for life, give notice of the application for bail to the Public Prosecutor unless it is, for reasons to be recorded in writing of opinion that it is not practicable to give such notice.

[Provided further that the High Court or the Court of Session shall, before granting bail to a person who is accused of an offence triable under sub-section (3) of section 376 or section 376AB or section 376DA or section 376DB of the Indian Penal Code (45 of 1860), give notice of the application for bail to the Public Prosecutor within a period of fifteen days from the date of receipt of the notice of such application.]

[(1A) The presence of the informant or any person authorised by him shall be obligatory at the time of hearing of the application for bail to the person under sub-section (3) of section 376 or section 376AB or section 376DA or section DB of the Indian Penal Code (45 of 1860).]

(2) A High Court or Court of Session may direct that any person who has been released on bail under this Chapter be arrested and commit him to custody."

III. **The Bharatiya Nagarik Suraksha Sanhita, 2023** (hereinafter referred to as 'BNSS')

"***483. Special powers of High Court or Court of Session regarding bail.—****(1) A High Court or Court of Session may direct,—*

(a) that any person accused of an offence and in custody be released on bail, and if the offence is of the nature specified in sub-section (3) of section 480, may impose any condition which it considers necessary for the purposes mentioned in that sub-section;

(b) that any condition imposed by a Magistrate when releasing any person on bail be set aside or modified:

Provided that the High Court or the Court of Session shall, before granting bail to a person who is accused of an offence which is triable exclusively by the Court of Session or which, though not so triable, is punishable with imprisonment for life, give notice of the application for bail to the Public Prosecutor unless it is, for reasons to be recorded in writing, of opinion that it is not practicable to give such notice:

Provided further that the High Court or the Court of Session shall, before granting bail to a person who is accused of an offence triable under section 65 or sub-section (2) of section 70 of the Bharatiya Nyaya Sanhita, 2023, give notice of the application for bail to the Public Prosecutor within a period of fifteen days from the date of receipt of the notice of such application.

(2) The presence of the informant or any person authorised by him shall be obligatory at the time of hearing of the application for bail to the person under section 65 or sub-section (2) of section 70 of the Bharatiya Nyaya Sanhita, 2023.

(3) A High Court or Court of Session may direct that any person who has been released on bail under this Chapter be arrested and commit him to custody."

Relevant Case Law

9. The precedents germane to the matter(s) in issue are, thus:

I. Re: *Realm of accused straightway approaching the High Court for grant of regular bail under Cr.P.C., 1898*.

The Hon'ble Kerala High Court in a Division Bench judgment titled as ***Mathew Zacharish versus State of Kerala and others, Criminal Misc. Petn. No.1049 of 1973, decided on 19.12.1973***; has held as under:

"*3. The petition has appeared to us rather curious and extraordinary. As an application for bail, the petitioner would rest it on Section 497, Criminal Procedure Code, 1973 on the ground that the Section covers even the case of a "person accused or suspected of any non-bailable offences", who, "appears or is brought before a court .....". We do not think that an option of appearing in any of the hierarchy of courts is left to the sweet will and pleasure of the accused; and we are quite unable to see*

any ground to allow the petitioner to frog-leap the Magistrate and the; Sessions Judge and make a direct approach to us for bail. On that ground, we would dismiss the application in so far as it relates to bail."

II Re: *Realm of accused straightway approaching the High Court for grant of regular bail under Cr.P.C., 1973.*

(i) A Division Bench of the Hon'ble Kerala High Court in a case titled as ***Balan versus State of Kerala, 2003(4) RCR (Criminal) 733***; has held as under:

"*12. In this context, it may also be noticed that even under Section 439, the Legislature has conferred power to grant bail on the High Court as well as the Court of Sessions. The two provisions do not even remotely suggest that the petition has to be filed before the Sessions Court first and then before the High Court. The power to grant bail has been conferred equally on both the Courts. It is clearly concurrent. The citizen has the opportunity to approach the Court of Sessions and then the High Court. It gives him a second chance to seek bail. However, in a case where he chooses to come directly to the High Court, he cannot be thrown out merely on the ground that he has failed to approach the Sessions Court. The petition is clearly maintainable. Equally, it cannot also be said that he must make out an 'exceptional case before his petition for bail can be entertained. Acceptance of the view as laid down by the Court in Usman's case may result in defeating the right to liberty as guaranteed under the Constitution.*

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17. In view of the above, we are of the opinion that the provisions of Sections 438 and 439 do not call for a restricted interpretation. The citizen has the right to choose. His application should be considered. Each case should be examined on its own merits. If it is found that the ground for grant of bail is not made out, the Court has the full jurisdiction to deny relief. Equally, if a case is made out, the citizen's liberty should not be allowed to be curtailed. However, we do not find any ground to deny the citizen's right to choose the forum to approach the Court and to make a prayer. This is not warranted by the provision."

(ii) A Division Bench of this Court in a case titled as ***Baldev Singh Vs. State of Punjab & Others, 2002(2) ILR (Punjab and Haryana) 618***; has held as under:

> *"9. The language of Sections 438 and 439 of the Code is pari materia. However, provisions of Section 438 operate pre-arrest, while that the Section 439 post-arrest, but the powers of the High Court and the Court of Sessions under both these Sections are concurrent. The legislature in its wisdom has vested the power in both the Courts concurrently. The power exercisable by either of the Courts is not circumscribed by any specified limitations. It is wide power vested in the Courts which is required to be exercised with due regard to the settled canons of law and in consonance with the judicial discipline. The caution in exercising such discretionary power is inbuilt in the spirit of law. Xxxx xxxx xxxx*
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> *10. Under the Code, power has been vested in the High Court to grant bail keeping in view the facts and circumstances of a case. This power cannot be negated on any inference or by implication. It is true that normally where a person has been arrested, it will be more appropriate that the accused should approach the Court of Sessions/the competent Court, for grant of regular bail and upon rejection thereof could approach the High Court. But this cannot be stated as a hard and fast rule. Each case would have to be dealt with, and appropriate orders passed on its own merit. It would neither be proper nor permissible to circumvent the powers of the Court when the Legislature has declined to impose any such restriction. Xxx xxx"*

(iii) A Division Bench of the Hon'ble Andhra Pradesh High Court in a case titled as ***Y. Chendrasekhara Rao and others versus Y.V. Kamala Kumari and others, 1993 SCC OnLine AP 243***; has held as under:

> "*29. The Public Prosecutor is correct in his submission that under Section 439 both the High Court and the Court of Session are empowered to grant bail to a person in custody. He contends that, because under Section 439 the High Court is not entertaining applications, in the first instance, the same practice must be upheld in respect of applications under Section 438. We are unable to agree. The question whether an application under Section 439 can be filed, in the first instance, in the High Court is not before us for adjudication. We, therefore, do not want to*

go into this aspect which does not arise before us and so we cannot accept the supposition that the present practice as regards entertaining applications under Section 439 is sound and valid. As and when that question arises this Court will go into it. But, in the present reference, we are not inclined to decide that question. Apart from the fact that power under Section 439 is exercised for directing the release on bail of a person in custody, we may notice certain other important features of Section 439. In respect of a person in custody already the appropriate Magistrate has passed an order under Section 167 authorising his custody (either judicial or police custody) after applying his mind by examining copies of entries in the diary submitted by the concerned police officer. He has gone into the question whether there are adequate grounds for authorising detention in custody for total period of not exceeding sixty days or ninety days, as the case may be, as enjoined in Proviso (a) to sub-section (2) of Section 167 of the Code. Viewed in this light, there is a discernible degree of difference as to the immediacy in moving the applications under Sections 438 and 439: Compared to Section 438, the sense of urgency in Section 439 is less."

(iv) The Hon'ble Supreme Court in a Judgment titled as ***Sandeep Kumar Bafna versus State of Maharashtra and another, (2014) 16 Supreme Court Cases 623***; has held as under:

"*33. In conclusion, therefore, we are of the opinion that the learned Single Judge erred in law in holding that he was devoid of jurisdiction so far as the application presented to him by the appellant before us was concerned. Conceptually, he could have declined to accept the prayer to surrender to the Court's custody, although, we are presently not aware of any reason for this option to be exercised. Once the prayer for surrender is accepted, the appellant before us would come into the custody of the Court within the contemplation of Section 439 CrPC. The Sessions Court as well as the High Court, both of which exercised concurrent powers under Section 439, would then have to venture to the merits of the matter so as to decide whether the applicant-appellant had shown sufficient reason or grounds for being enlarged on bail*"

(v) In a judgment rendered by the Hon'ble Supreme Court in ***Kanumuri Raghurama Krishnam Raju vs. State of A.P. 2021(13) SCC 822***, it has been held as under:

"14. The jurisdiction of the trial court as well as the High Court under Section 439 of the Code of Criminal Procedure, 1973 is concurrent and merely because the High Court was approached by the appellant without approaching the trial court would not mean that the High Court could not have considered the bail application of the appellant. As such, in our view, the High Court ought to have considered the bail application of the appellant on merits and decided the same."

(vi) More recently, the Hon'ble Supreme Court in a recent case titled as ***Arvind Kejriwal versus Central Bureau of Investigation, 2024 SCC OnLine SC 2550***; has held as under:

<u>*Per* Hon'ble Surya Kant, J.</u>

"*44. An undertrial thus should, ordinarily, first approach the Trial Court for bail, as this process not only provides the accused an opportunity for initial relief but also allows the High Court to serve as a secondary avenue if the Trial Court denies bail for inadequate reasons. This approach is beneficial for both the accused and the prosecution; if bail is granted without proper consideration, the prosecution too can seek corrective measures from the High Court.*

45. However, superior courts should adhere to this procedural recourse from the outset. If an accused approaches the High Court directly without first seeking relief from the Trial Court, it is generally appropriate for the High Court to redirect them to the Trial Court at the threshold. Nevertheless, if there are significant delays following notice, it may not be prudent to relegate the matter to the Trial Court at a later stage. Bail being closely tied to personal liberty, such claims should be adjudicated promptly on their merits, rather than oscillating between courts on mere procedural technicalities."

<u>*Per* Hon'ble Ujjal Bhuyan, J.</u>

"*36. In somewhat similar circumstances, this Court in Kanumuri Raghurama Krishnam Raju v. State of A.P., after observing that jurisdiction of the trial court as well as of the High Court under Section 439 Cr. P.C. is concurrent, held that merely because the High Court was approached by the appellant without approaching the trial court would not mean that the High Court could not have considered the bail application of the appellant."*

III. Re: *Realm of accused straightway approaching the High Court for grant of anticipatory bail under Section 438 Cr.P.C./482 BNSS.*

(i) A Three Judge Bench of the Hon'ble Himachal Pradesh High Court in a case titled as ***Mohan Lal and Others. Vs. Prem Chand and Others, 1980 AIR Himachal Pradesh 36*** observed as under:

> *"Powers of revision and of granting anticipatory bail have been conferred on the High Court as well as the Court of Session by Sections 397 and 438 of the Criminal Procedure Code, 1973 (referred to as the "new Code"). Is it incumbent upon an applicant to approach the Court of Session before moving the High Court? This question has been referred to the Full Bench.*
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> *xxx* *xxx* *xxx*
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> *15. Our answers to the questions referred to the Full Bench are that persons can apply for revision or anticipatory bail to the High Court direct without first invoking the jurisdiction of the Sessions Judge."*

(ii) A Five Judge Bench of the Hon'ble Allahabad High Court in a case titled as ***Ankit Bharti & Others Vs. State of Uttar Pradesh & Others, 2020 SCC Online All 1949*****,** held as under:

> *"2. A learned Judge of the Court while considering a petition for anticipatory bail has deemed it appropriate to refer the following questions for the consideration of this Full Bench: -*
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> *"(i) Whether the Court would have no jurisdiction to reject the anticipatory bail after considering the grounds of compelling reasons mentioned in the affidavit being found not appealing, which would amount nothing but to approach this Court directly;*
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> *(ii) Whether amongst the grounds which have been enumerated in the judgment in the case of Vinod Kumar (supra), the ground at Serial (A) requires any reconsideration so as to preclude the co-accused approaching this Court directly in case the other co-accused's regular bail/anticipatory bail is rejected by the Court of Sessions and whether he be also subjected to filing such an affidavit, showing therein the*

circumstances in which he had to feel compelled to approach this Court directly;

(iii) Whether amongst the grounds which have been enumerated in the judgment in the case of Vinod Kumar (supra), the ground at Serial (B) requires any reconsideration as to whether an accused, who is not residing within the jurisdiction of the Sessions Court concerned, faces a threat of arrest, should be allowed to approach the High Court directly, to move an anticipatory bail application by the logic given above in Para 6 of this judgment; and

(iv) Whether such anticipatory bail applications which do not contain any compelling reason to approach this Court directly, should be entertained.

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21. In light of the aforesaid, we answer the Reference as follows:

Question (i) and (iv) clearly do not merit any elucidation for it is for the concerned Judge to assess whether special circumstances do exist in a particular case warranting the jurisdiction of the High Court being invoked directly. We answer Questions (ii) and (iii) in the negative and hold that Vinod Kumar does not merit any reconsideration or further explanation. It would be for the concerned Judge to form an opinion in the facts of each particular case whether special circumstances do exist and stand duly established."

(iii) A Division Bench of the Hon'ble Chhattisgarh High Court in a case titled as ***Hare Ram Sharma Vs. State of Chhattisgarh, 2020 SCC Online Chh639,*** has held as under:

"16. Thus, the catena of judgments referred to above would follow the common thread that albeit section 438 of the Cr.P.C., 1973 confers concurrent jurisdiction on the High Court and the Sessions Court, an application should ordinarily be filed before the Sessions Court at the first instance and not directly before the High Court. For filing an application directly before the High Court the applicant has to demonstrate and satisfy the High Court that there exists exceptional, rare or unusual reasons for the applicant to approach the High Court directly.

17. Merely for the reason that the accused has a good case on merits cannot be a ground for moving the bail application directly before the High Court for the reason that if the accused has a good case on merits and there is no material available with the police to implicate the accused,

there is no reason why the learned Sessions Judge would not be in a position to appreciate the facts and circumstances of the case and apply his judicial mind."

(iv) Very recently, in a case titled as ***Manjeet Singh Vs. State of Uttar Pradesh, SLP (Crl.) No. 11667 of 2025*** (pronounced on 07.08.2025), the Hon'ble Supreme Court observed as under:

"The impugned orders reflect that the High Court did not take note of the fact that it exercises concurrent jurisdiction along with the Sessions Court insofar as grant of anticipatory bail, under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, is concerned.

This Court's decisions in "Kanumuri Raghurama Krishnam Raju Vs. State of A.P" and "Arvind Kejriwal vs. Directorate of Enforcement" made this position clear and declared that it would not be necessary for an accused to approach the Sessions Court in the first instance, as a rule, before approaching the High Court.

Further, we are informed that a larger Bench of the High Court, comprising five Judges, dealt with the issue as to in what circumstances an accused could seek anticipatory bail directly from the High Court.

The larger Bench answered the reference as follows:

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"Question (i) and (iv) clearly do not merit any elucidation for it is for the concerned Judge to assess whether special circumstances do exist in a particular case warranting the jurisdiction of the High Court being invoked directly. We answer Questions (ii) and (iii) in the negative and hold that Vinod Kumar does not merit any reconsideration or further explanation. It would be for the concerned Judge to form an opinion in the facts of each particular case whether special circumstances do exist and stand duly established."

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In the light of the aforestated legal position, the High Court ought to have applied its mind to determine as to whether the cases on hand warranted exercise of jurisdiction by it in the first instance without relegating the accused to the Sessions Court. As the High Court failed to undertake such exercise, we are constrained to set aside the impugned orders and remit

the matters to the High Court for consideration of the bail applications afresh on facts and in accordance with law."

IV. Re: *Golden Rule of Interpretation/Literal Rule of Interpretation*

(i) A Five Judges Bench of the Hon'ble Supreme Court in a judgment titled as ***Chief Justice of A.P. vs. L.V.A. Dikshitulu, 1979(2) SCC 34*** has held as under:-

"63. The primary principle of interpretation is that a constitutional or statutory provision should be construed according to the intent of they that made it"(Coke). Normally, such intent is gathered from the language of the provision. If the language or the phraseology employed by the legislation is precise and plain and thus by itself, proclaims the legislative intent in unequivocal terms, the same must be given effect to, regardless of the consequences that may follow. But if the words used in the provision are imprecise, protean, or evocative or can reasonably bear meaning more than one, the rule of strict grammatical construction ceases to be a sure guide to reach at the real legislative intent. In such a case, in order to ascertain the true meaning of the terms and phrases employed, it is legitimate for the Court to go beyond the arid literal confines of the provision and to call in aid other well-recognized rules of construction, such as its legislative history, the basis scheme and framework of the statute as a whole, each portion throwing light on the rest, the purpose of the legislation, the object sought to be achieved, and the consequences that may flow from the adoption of one in preference to the other possible interpretation."

(ii) In a judgment rendered by the Hon'ble Supreme Court in ***National Insurance Co. Ltd. vs. Laxmi Narain Dhut, 2007(3) SCC 700,*** it has been held as under:

"29. "Golden Rule" of interpretation of statutes is that statutes are to be interpreted according to grammatical and ordinary sense of the word in grammatical or liberal meaning unmindful of consequence of such interpretation. It was the predominant method of reading statutes. More often than not, such grammatical and literal interpretation leads to unjust results which the Legislature never intended. The golden rule of giving undue importance to grammatical and literal meaning of late gave place to 'rule of legislative intent'. The world over, the principle of

interpretation according to the legislative intent is accepted to be more logical."

V. Re: <u>*UT RES MAGIS VALEAT QUAM PEREAT*</u> *(i.e. a thing may rather have effect than be destroyed)*

(i) In a judgment titled as ***Commissioner of Income-tax, Delhi vs. S. Teja Singh, 1958 SCC Online SC 30***, a Three Judge Bench of the Hon'ble Supreme Court has held as under:-

"9. xxxxxxxxxxxxxxxxxx. A construction which leads to such a result must, if that is possible, be avoided, on the principle expressed in the maxim, "ut res magis valeat quam pereat". Vide ***Curtis v. Stovin, (1889) 22 QBD 513*** *and in particular the following observations of Fry, L. J., at page 519 :*

"The only alternative construction offered to us would lead to this result, that the plain intention of the legislature has entirely failed by reason of a slight inexactitude in the language of the section. If we were to adopt this construction, we should be construing the Act in order to defeat its object rather than with a view to carry its object into effect."

(ii) In a judgment titled as ***Management of Advance Insurance Co. Ltd. Vs. Shri Gurudasmal and others 1970(1) SCC 633***, a Five Judge Bench of the Hon'ble Supreme Court has held as under:-

"21. It is no doubt true that the words are susceptible of the other meaning also but so long as the words are capable of bearing the meaning we have given it is not necessary to discover another meaning under which the whole scheme would become void. Provisions of law must be read as far as is possible with a view to their validity and not to render them invalid. In our judgment the expression 'belonging to' only conveys the meaning that it is a police force constituted and functioning in one area which may be authorised to function in another area. The change from 'for' to 'in' makes no difference because both expressions fit in with the meaning of the phrase 'belonging to' in the Entry. We see no force in this argument also."

(iii) In a judgment titled as ***Tinsukhia Electric Supply Co. Ltd. Vs. State of Assam, 1989(3) SCC 709,*** a Five Judge Bench of the Hon'ble Supreme Court has held as under:-

> *"49. The Courts strongly lean against any construction which tends to reduce a Statute to a futility. The provision of a Statute must be so construed as to make it effective and operative, on the principle "ut res majis valeat quam periat". It is, no doubt, true that if a Statute is absolutely vague and its language wholly intractable and absolutely meaningless, the Statute could be declared void for vagueness. This is not in judicial-review by testing the law for arbitrariness or unreasonableness under* Article 14; *but what a Court of construction, dealing with the language of a Statute, does in order to ascertain from, and accord to, the Statute the meaning and purpose which the legislature intended for it. In Manchester Ship Canal Co. v. Manchester Racecourse Co., [1900] 2 Ch. 352 Farwell J. said:*
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> > *"Unless the words were so absolutely senseless that I could do nothing at all with them, I should be bound to find some meaning and not to declare them void for uncertainty." (See page 360 and 361)*
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> *In Fawcett Properties v. Buckingham Country Council, [1960] 3 All ER 503, Lord Denning approving the dictum of Farwell, J. said:*
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> > *"But when a Statute has some meaning, even though it is obscure, or several meanings, even though it is little to choose between them, the Courts have to say what meaning the Statute has to bear rather than reject it as a nullity." (Vide page 516)*
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> *It is, therefore, the Court's duty to make what it can of the Statute, knowing that the Statutes are meant to be operative and not inept and that nothing short of impossibility should allow a Court to declare a Statute unworkable. In Whitney v. Inland Revenue Commissioners, [1926] AC 37 Lord Dunedin said:*
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> > *"A Statute is designed to be workable, and the interpretation thereof by a Court should be to secure that object, unless crucial omission or clear direction makes that end unattainable." (vide page 52).*

(iv) In a judgment titled as ***Commissioner of Income Tax vs. Hindustan Bulk Carriers, 2003(3) SCC 57***, a Three Judge Bench of the Hon'ble Supreme Court has held as under:-

> *"14. A construction which reduces the statute to a futility has to be avoided. A statute or any enacting provision therein must be so construed as to make it effective and operative on the principle expressed in maxim ut res magis valeat quam pereat i.e. a liberal construction should be put upon written instruments, so as to uphold them, if possible, and carry into effect the intention of the parties. (See Broom's Legal Maxims (10th Edition), page 361, Craies on Statutes (7th Edition) page 95 and Maxwell on Statutes (11th Edition) page 221.)*

Analysis (re law)

10. The principle of individual liberty, enshrined in Article 21 of the Constitution of India, is a cornerstone of our legal system, holding a position of paramount importance. This fundamental right dictates that no person shall be deprived of life or personal liberty except according to the procedure established by the law. However, the criminal justice system, with its procedural safeguards codified in statutes, has laid out a congruent legal framework for permissible curtailment of this liberty. Such restrictions are deemed necessary to address any anti-social and anti-national elements and to uphold the broader interests of the society. In this context, the grant of regular bail is a critical mechanism for balancing the State's interest in prosecution with an individual's right to liberty. Throughout the evolution of India's criminal procedure, the High Court has consistently been afforded the status of highest statutory forum, as per Cr.P.C./BNSS, for the grant of bail. The statutory provisions governing the High Court's power to grant bail under Cr.P.C., 1898, Cr. P.C., 1973 & BNSS, 2023, are substantially *pari materia.* This consistent legislative stance underscores the enduring role of

the High Court as the apex statutory forum, as per the Cr.P.C., as well as the BNSS, for consideration of a plea for grant of bail.

11. The clear and unambiguous language employed by the legislature in Section 439 Cr.P.C./Section 483 BNSS, unequivocally demonstrates the legislative intent to vest the concurrent jurisdiction in both the High Court and the Court of Session for the grant of bail. This is evident through the application of *Golden Rule of Statutory Interpretation (Literal Rule of Statutory Interpretation)* as enunciated by the Hon'ble Supreme Court in ***Dikshitulu*** (supra) and ***Laxmi Narain Dhut*** (supra), which dictates that where the text of a statute is plain and free from ambiguity, it must be accorded with its literal & natural meaning. Consequently, there is no scope for a restrictive or strained interpretation of these provisions, as observed by the Division Bench of this Court in ***Baldev Singh*** (supra). The Hon'ble Supreme Court in the case of ***Sandeep Kumar Bafna*** case (supra) has held that the Sessions Court, as also the High Court, have concurrent powers under Section 439 of Cr.P.C. for grant of regular bail. To the similar effect is the *dicta* of the judgment of the Hon'ble Supreme Court in ***Kanumuri Raghurama Krishnam Raju*** case (supra) which was further ratified by Hon'ble Mr. Justice Ujjal Bhuyan in his verdict in ***Arvind Kejriwal*** (supra). The Hon'ble Division Bench of Kerala High Court in the case of ***Balan*** (supra) postulated that there was no ground available to the Court to deny the citizen's right to choose the forum. A key indicator of this concurrent power is the deliberate use of the disjunctive word *"or"* within the statutory text, thereby granting both the High Court and the Sessions Court, a distinct and independent authority to entertain & decide upon the applications for regular bails. This construction avoids any hierarchical or *sequential*

requirement, allowing an accused-applicant to approach either of the Court directly. *Ergo*, a bare reading of the statutory provision contained in Section 439 of Cr.P.C./Section 483 of BNSS does reflect that an accused is entitled to make a plea for grant of regular bail before the Sessions Court as well as the High Court. In other words, there is no statutory impediment for an accused to exercise a choice in straightaway/directly filing a plea for the regular bail before the High Court and not approaching the Sessions Court, in the first instance.

12. There is no gainsaying that there is a difference between the *"maintainability of a petition"* and *"desirability to entertain a petition"*. The difference is antithetical, divergerent & as stark as that between chalk and cheese. While the plain language of a statute may not bar the maintainability of a plea, it does not automatically render the plea desirable for consideration. This principle holds particular significance in situations where the law, as in the present case scenario i.e., Section 439 Cr.P.C./Section 483 BNSS, grants concurrent jurisdiction to a Sessions Court and the High Court. A litigant who bypasses the Sessions Court & directly approaches a higher Court, in the present case the High Court, tests the limits of this statutory grant. A Division Bench of the Hon'ble Kerala High Court in the case of ***Mathew Zacharish*** case (supra), while dealing with the provision of Section 497 & Section 498 of Cr.P.C.1898, held that the options of appearing in any of the hierarchy of Courts cannot be left to the sole choice of such a petitioner. The Hon'ble Supreme Court in the case of ***Arvind Kejriwal*** case (supra), in the verdict of SuryaKant. J, has held that an undertrial ought to *ordinarily* first approach the trial Court (Sessions Court in the present scenario) and thereafter the High Court, in case such a

plea for grant of the regular bail is declined. The doctrine of judicial propriety mandates that a litigant ought to exhaust remedies before the lowest available forum. Permitting otherwise would, essentially, allow a litigant to circumvent the initial process and procedures of the subordinate court, thereby treating concurrent jurisdiction as a license of convenience rather than as a procedural safeguard.

Any statutory provision ought to be interpreted in a way that ensures its workability. It is a foundational and immutable principle of statutory construction that the Court must resolutely lean against any interpretive paradigm which would, by its operation, render a legislative enactment otiose, unworkable, or reduce it to a state of utter futility. The provisions of a statute be judiciously construed in a manner that ensures their efficacy, operability, and practical utility, in faithful adherence to the venerable legal maxim, "*ut res magis valeat quam pereat*" (i.e. that the thing may rather have effect than be destroyed). Any interpretative approach that conspicuously diverges from the discernible legislative intent, as evinced through the plain text, must be scrupulously eschewed as has been observed by the Hon'ble Supreme Court in ***S. Teja Singh*** (supra), ***Shri Gurudasmal*** (supra), ***Tinsukhia Electric Supply*** (supra) and ***Hindustan Bulk Carriers*** case (supra). Vide; Craies on Statute Law, p. 90 and Maxwell on The Interpretation of Statutes, Tenth Edition, pages 236-237;

> *"A statute is designed", observed Lord Dunedin in Whitney v. Commissioners of Inland Revenue (2), "to be workable, and the interpretation thereof by a court should be to secure that object, unless crucial omission or clear direction makes that end unattainable".*

It is, thus, indubitable that the statutory mandate, contained in Section 439 Cr.PC./Section 483 BNSS, ought not to be interpreted in a

manner on account whereof the remedy of seeking regular bail before Sessions Court pales into oblivion.

12.1. The principle of judicial discipline dictates that, notwithstanding the existence of concurrent jurisdiction, the Sessions Court ought to be approached as a forum of first instance in the general course of events. This practice is not merely a matter of convention but is underpinned by several practical & jurisprudential considerations. The geographical accessibility of the Sessions Court provides a distinct advantage. Placed at the local level; it offers a more convenient forum for the applicant (and/or his Pairavi/person who is persuing on his behalf, since applicant is in custody), the Investigating Officer (IO) and other requisite officials; whose presence is often required for proper adjudication of the matter. This proximity facilitates timely production of records of the case. The Sessions Court has ready access to the relevant records, including the Case Diary, the charge-sheet & other pertinent documents. This direct access enables a more thorough & informed consideration of the application without the logistical delays associated with producing the records before the High Court.

Moreover, this hierarchical approach serves a vital jurisprudential purpose. When an application for bail is first adjudicated by the Sessions Court, the High Court, if subsequently approached, has the benefit of a considered and observant judicial opinion.

12.2. The above ratiocination, in the light of the *ratio decidendi* of the above case law, pellucidly reflects that a plea for grant of regular bail, filed straightaway before the High Court in the first instance, ought to be entertained only if there are *exceptional circumstances* made out therein.

13. As far as the aspect of concurrent jurisdiction of the High Court and the Sessions Court regarding bail matters is concerned, Section 438 Cr.P.C./Section 482 BNSS and Section 439 Cr.P.C./Section 483 BNSS are identically worded. While both these provisions confer concurrent jurisdiction upon the High Court as well as the Sessions Court, their application & conditions for their exercise in this regard differ, significantly reflecting the distinct nature of liberties they seek to protect. Section 438 Cr.P.C./Section 482 BNSS is intended to safeguard an individual's liberty against an impending threat of arrest, whereas, Section 439 Cr.P.C./Section 483 BNSS pertains to regular bail after an arrest has been made. As observed in ***Mohan Lal*** (supra); ***Ankit Bharti*** (supra); ***Hare Ram Sharma*** (supra); ***Manjeet Singh*** (supra), in matters pertaining to anticipatory bail also, a direct plea to the High Court can be made without adverting to the Sessions Court in first instance, *albeit*, in *'exceptional circumstance(s)'*. The exceptionality, in this context, is often linked to the urgency of the matter arising out of an impending threat of arrest. The direct intervention of the High Court in matter(s) pertaining to regular bail is warranted in circumstances of higher degree of expediency or exceptionality than those required for anticipatory bail as has been held by the Hon'ble Andra Pradesh High Court in its Division Bench judgment in case of ***Y. Chendrasekhara Rao*** (supra). In essence, while under both Section 438 Cr.P.C./Section 482 BNSS & Section 439 Cr.P.C./Section 483 BNSS, the High Court could be approached directly, the judicial approach to their invocation is different. The *'exceptional circumstance(s)'* required to invoke the High Court's jurisdiction are not identical; they are tailored to the specific nature of the

threat to liberty — either impending or existing—that each provision is designed to address.

14. An attempt has been made at the bar, by a reference to the principles governing revisional jurisdiction under Sections 397/Section 438 BNSS & 401 Cr.P.C/Section 442 BNSS, to contend that in instance of concurrent jurisdiction, a litigant is afforded the unfettered discretion to select their forum of choice. This Court finds the reliance on revisional jurisdiction under Section 397/Section 438 BNSS & Section 401 Cr.P.C/Section 442 BNSS as misplaced and inapposite to the question at hand. Revisional jurisdiction, as delineated under Section 397/Section 438 BNSS & Section 401 Cr.P.C/Section 442 BNSS, operates on the principle of a single, final review/remedy. A litigant who avails the revisional remedy before, either the High Court or the Sessions Court, is by virtue of Section 397(3) Cr.P.C./Section 438(3) BNSS, statutorily precluded from seeking the same relief before the other Court. In stark contrast, the bail jurisdiction under Section 439 Cr.P.C./Section 483 BNSS, though concurrent, is not mutually exclusive. A litigant who has been unsuccessful in their bail application before the Sessions Court is not barred from approaching High Court under its original jurisdiction under the very same provision i.e. Section 439 Cr.P.C./Section 483 BNSS. The High Court's power to entertain a subsequent bail application, even after a rejection by the Sessions Court, is a well-established and settled principle.

15. The term "*exceptional circumstances*" brings forth a conundrum, as the term, by its inherent nature, is incapable of conclusive definition. It goes without saying that there can be no determinative *nay* exhaustive definition of the expression "*exceptional circumstances*"—for

this concept by itself is incapable of a rigid definition. Its very essence is imbued with ineluctable contextual fluidity — rendering a universally prescriptive definition an exercise in jurisprudential futility. The nuanced contours of "*exceptional circumstances*" are inextricably woven into the singular factual matrix of each individual case, the prevailing social-legal milieu, and indeed, the conscientious and objectively informed discernment of the Court. Consequently, the formidable task of ascertaining what precisely constitutes "*exceptional circumstances*" in any given instance devolves unequivocally upon the sagacity and judicious application of mind of the Court. Borrowing, with impunity, from wisdom of Benjamin N. Cardozo, — *'After all an arbitrator as a Judge, has to exercise a discretion informed by tradition, methodized by analogy, disciplined by system, and subordinated to "the primordial necessity of order in social life.'*

There may be multitude of factors which may result in *exceptional circumstance(s)* enabling an accused to file, maintain and pursue his regular plea before the High Court straightaway. For instance; the incident/crime involved may have caused tangible circumstances, adverse to the petitioner-accused in approaching the Sessions Court; there may be perceptible difficulty for the petitioner-accused to approach the Sessions Court vis.-a-vis. the High Court; the plea may be involving complicated question(s) of law etc. Needless to say that these factors are merely illustrative in nature and not exhaustive.

It is neither conceivable nor desirable to lay down any exhaustive set of guideline(s) to govern the exercise of this jurisdiction, however alluring this aspect may be. Such exercise of power would definitely be dependent upon the factual matrix of the case which the High

Court is *seisin* of. It was said by Lord Denning, an observation which met with approval by the Hon'ble Supreme Court, that:

> *".....Each case depends on its own facts, and a close similarity between one case and another is not enough, because even a single significant detail may alter the entire aspect. In deciding such case, one should avoid the temptation to decide cases (As said by Cardozo) by matching the colour of one case against the colour of another. To decide, therefore, on which slid of the line a case falls, its broad resemblance to another case is not at all decisive."*

There is no gainsaying that, such discretion ought to be exercised by a Court, in accordance with the well settled principles of justice, equity and good conscience. An age old adage by *Lord Halsbury*, which met with approval by the Hon'ble Supreme Court, reads thus:

> *"Discretion, in general, is the discernment of what is right and proper. It denotes knowledge and prudence, that discrement which enable a person to judge critically of what is correct and proper united with caution; nice discrement, and judgment directed by circumspection; deliberate judgment; soundness of judgment; a science or understanding to discern between falsity and truth, between wrong and right, between shadow and substance, between equity and colourable glosses and pretences, and not to do according to the will and private affections of persons. When it is said that something is to be done within the discretion of the authorities, that something is to be done according to the rules of reason and justice, not according to private opinion; according to law and not humour. It is to be not arbitrary, vague and fanciful, but legal and regular. And it must be exercised within the limit, to which an honest man, competent to the discharge of his office ought to confine himself."*

16. As a sequitur to prevenient rumination, the following postulates emerge:

I. Section 439 Cr.P.C./Section 483 BNSS, on its plain terms, does not mandate or require that an accused must first approach the Sessions Court before applying to the High Court for grant of Regular Bail.

II. Notwithstanding the existence of concurrent jurisdiction with the High Court and the Sessions Court for grant of Regular bail under Section 439 Cr.P.C./Section 483 BNSS, there is no *indefeasible* right vested in the accused to approach the High Court directly/straightaway for grant of regular bail bypassing the forum of Sessions Court. An accused ought to *ordinarily* approach Sessions Court, in the first instance, when making a plea for regular bail. *Exceptional circumstances* must necessarily be shown to exist in justification of the High Court being approached directly/straightaway, without the avenue as available before the Sessions Court, being exhausted.

III. Whether a particular case involves such *exceptional circumstances* or not, depends upon the determination of the factual matrix of an individual case, which is receiving consideration by the High Court, in accordance with its judicial discretion. It is neither axiomatic nor fathomable to chronicle *exceptional circumstances* or compendiously postulate any exhaustive set of guidelines for exercise of such discretion by the High Court, for every case has its own peculiar factual matrix.

Analysis re: facts of the present case

17. By way of the instant petition, the petitioner has straightaway invoked the jurisdiction of this Court without first exhausting the remedy available before the concerned Special Judge/trial Court. However, in the peculiar facts of the instant case, this Court is persuaded to exercise its discretion in favour of entertaining the instant petition. It is not without significance that a Criminal Writ Petition (CRWP-6297-2025) instituted by the petitioner, arising from same FIR/registered case, wherein a declaration has been sought regarding the alleged illegality of his arrest, is already

pending adjudication before this Court. Furthermore, the petition for grant of regular bail by co-accused, namely Harsh Kotak (CRM-M-37123-2025) is also sub-judice before this Court. More so, the petition in hand has been pending adjudication before this Court for more than two weeks and thus, in view of *dicta* in ***Arvind Kejriwal*** (supra), to relegate the petitioner to Special Judge/trial Court would not only result in procrastination of proceedings but may also occasion an anomalous or inconsistent approach *qua* co-accused. It is, therefore, in view of the singular circumstances, that this Court deems it appropriate to entertain the instant petition, notwithstanding non-availing of the remedy before the Special Judge/trial Court. *Lest,* there be any ambiguity, it is clarified that the entertainment of the instant petition is occasioned solely by the peculiar factual matrix of the case in hand.

18. At this juncture, it would be apposite to refer herein to a judgment of the Hon'ble Supreme Court titled as ***Gudikanti Narasimhulu and others vs. Public Prosecutor, High Court of Andhra Pradesh AIR 1978 SUPREME COURT 429,*** relevant whereof reads as under:

> *"10. The significance and sweep of Article 21 make the deprivation of liberty a matter of grave concern and permissible only when the law authorising it is reasonable, even-handed and geared to the goals of community good and State necessity spelt out in Article 19. Indeed, the considerations I have set out as criteria are germane to the constitutional proposition I have deduced. Reasonableness postulates intelligent care and predicates that deprivation of freedom- by refusal of bail is not for punitive purpose but for the bi-focal interests of justice-to the individual involved and society affected.*
>
> *11. We must weigh the contrary factors to answer the test of reasonableness, subject to the need for securing the presence, of the bail applicant. It makes sense to assume that a man on bail has a better chance to prepare or present his case than one remanded in custody. And if public justice is to be promoted, mechanical detention should be close to ours, the function of bail is limited, 'community roots' of the, applicant are*

stressed and, after the Vera Foundation's Manhattan Bail Project, monetary surety ship is losing ground. The considerable public expense in keeping in custody where no danger of disappearance or disturbance can arise, is not a negligible consideration. Equally important is the deplorable condition, verging on. the inhuman, of our sub-jails, that the unrewarding cruelty and expensive custody of avoidable incarceration makes refusal of bail unreasonable and a Policy favouring release justly sensible.

12. A few other weighty factors deserve reference. All deprivation of liberty is validated by social defence and individual correction along an anti-criminal direction. Public justice is central to the whole scheme of bail law. Fleeing justice must be forbidden but punitive harshness should be minimised. Restorative devices to redeem the man, even, through community service, meditative drill, study classes or other resources should be innovated, and playing foul with public peace by tampering with evidence, intimidating witnesses or committing offence while on judicially sanctioned 'free enterprise,' should be provided against. No seeker of justice shall play confidence tricks on the court or community. Thus, conditions may be hung around bail orders, not to cripple but to protect. Such is the holistic jurisdiction and humanistic orientation invoked by the judicial discretion correlated to the values of our constitution."

18.1. Further, the Hon'ble Supreme Court in a judgment titled as ***Gurcharan Singh vs. State (UT of Delhi) 1978 (1) SCC 118,*** has held as under:-

*"Where the granting of bail lies within the discretion of the **court,** the granting or denial is regulated, to a large extent, by the facts and circumstances of each particular case. Since the object of the detention or imprisonment of the accused is to secure his appearance and submission to the jurisdiction and the judgment of the **court,** the primary inquiry is whether a recognizance or bond would effect that end."*

18.2. Furthermore, the Hon'ble Supreme Court in a judgment titled as ***Sanjay Chandra vs. CBI (2012) 1 SCC 40,*** has held as under:

"21. In bail applications, generally, it has been laid down from the earliest times that the object of bail is to secure the appearance of the accused person at his trial by reasonable amount of bail. The object of bail is neither punitive nor preventative. Deprivation of liberty must be

> *considered a punishment, unless it can be required to ensure that an accused person will stand his trial when called upon. The courts owe more than verbal respect to the principle that punishment begins after conviction, and that every man is deemed to be innocent until duly tried and duly found guilty.*
>
> *22. From the earliest times, it was appreciated that detention in custody pending completion of trial could be a cause of great hardship. From time to time, necessity demands that some un-convicted persons should be held in custody pending trial to secure their attendance at the trial but in such cases, "necessity" is the operative test.In this country, it would be quite contrary to the concept of personal liberty enshrined in the Constitution that any person should be punished in respect of any matter, upon which, he has not been convicted or that in any circumstances, he should be deprived of his liberty upon only the belief that he will tamper with the witnesses if left at liberty, save in the most extraordinary circumstances."*

19. The petitioner was arrested on 01.06.2025 whereinafter investigation in the case has been completed and charge-sheet/challan has been filed by the CBI on 30.07.2025. Total 19 prosecution witnesses have been cited and none has been examined till date. It is, thus, indubitable that the culmination of the trial will take its own time in view of the voluminous evidence and number of witnesses and thus, keeping the petitioner behind the bars for an indefinite period would not serve any substantial purpose once the investigation is complete. This Court does not deem it appropriate to delve deep into the rival contentions raised at the instance of the rival parties lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence. Moreover, in the present case, the evidence also comprises documentary records, electronic data, and recovery memos which are already in the custody of the investigating agency. As per custody certificate dated 11.08.2025 filed by

learned CBI counsel, the petitioner has already suffered incarceration for a period of more than 02 months. Further, as per the custody certificate the petitioner is not stated to be involved in other FIR.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the factual *milieu* of the case in hand.

20. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned Special Judge/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned Special Judge/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

(i) The petitioner shall not mis-use the liberty granted.

(ii) The petitioner shall not tamper with any evidence,oral or documentary, during the trial.

(iii) The petitioner shall not absent himself on any date before the trial.

(iv) The petitioner shall not commit any offence while on bail.

(v) The petitioner shall deposit his passport, if any, with the trial Court.

(vi) The petitioner shall give his cellphone number to the Investigating Officer and shall not change his cell-phone number without prior permission of the Ld. Special Court.

(vii) The petitioner shall not in any manner try to delay the trial.

21. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned Special Judge/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the

CBI/complainant shall be at liberty to move cancellation of bail of the petitioner.

22. Ordered accordingly.

23. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

24. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

August 18, 2025
Ajay

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No