

IN THE COURT OF SH. ASHOK KUMAR, ACMM-2 CUM ACJ,
ROUSE AVENUE COURT COMPLEX, NEW DELHI

CBI Vs. G.S. Sangama
CC No. CBI-117/2019

02.09.2020

Today as per circular No. E-10559-10644/Power/Gaz/RADC/2020 dated 28.08.2020 the undersigned is assigned the date of physical hearing. The above mentioned case file is brought by the Ahlmad on the query of the court as to which case is listed for SA. Accordingly the above mentioned case is taken up which is otherwise listed for 14.09.2020.

Present: Ld. PP for CBI.
None for accused.

In the present case draft statement of accused is ready which is quite lengthy and as per section 313(5) Cr.PC the court may take help of the Prosecutor as well as the defence counsel in preparing the relevant questions which are to be put to the accused. The said draft may be sent to the counsel of the accused on his email ID for perusal and the accused may peruse the questions and may also prepare a written statement in response to the questions which will then be taken on the record and the draft will be adopted as a final copy. The defence counsel may also give his suggestion as per the above provision for any addition he wants to make and it be made sure that on the next date of hearing of 14.09.2020, the accused appears and is ready to give complete answers to the questions.

Copy of this order be provided to the counsel for accused and Ld. PP for CBI as per the guideline framed by Ld. District Judge through electronic mode/email/WhatsApp and be also uploaded on the official Website of Delhi District Court. Ahlmad/Asstt. Ahlmad is also directed to take a print out of the ordersheet and tag the same in the judicial file.

(ASHOK KUMAR)
ACMM-2 CUM ACJ,
ROUSE AVENUE COURT,
NEW DELHI-02.09.2020

IN THE COURT OF SH. ASHOK KUMAR, ACMM-2 CUM ACJ,
ROUSE AVENUE COURT COMPLEX, NEW DELHI

CBI Vs. Aman Lohia and Ors.

CC No. 729/2019

FIR No. 5(S)/2019/SCU-V/SC-II/CBI/ND

02.09.2020

The matter is being taken up as per the current duty roster no. E-10559-10644/Power/Gaz/RADC/2020 dated 28.08.2020 and as per the modalities circulated vide circular no. E-10927-11013/Power Gaz/RADC/2020 dated 30.08.2020.

The application is marked to this court through Ld. CMM, RADC, Delhi and the aforesaid application has been sent on my e-mail ID from the official e-mail ID of Reader and same is taken up today.

Order on application on behalf of accused Pawan Aggarwal for seeking permission to travel abroad from 09.10.2020 to 26.12.2020 and for release of passport.

Present: Sh. Kumar Rajat, Ld. PP for CBI with IO Arvind Jaitly.
Sh. Sidharth Aggarwal, Ld. Counsel for complainant.
Sh. Sanjay Abbot, Ld. Counsel for applicant/accused
Pawan Aggarwal.

It is submitted on behalf of the applicant that the present case is an off-shoot of a matrimonial litigation between Aman Lohia and Kiran Lohia and the applicant has been charged in the above said case of conspiring with main accused Aman Lohia in taking the daughter of the couple in violation of the court order to Dubai. It is further submitted by the applicant that it is very necessary for the applicant to travel to USA and permission be given in this regard because of marriage of his daughter. Permission is sought from 09.10.2020 to 26.12.2020 along with the marriage card, place of stay abroad and undertaking not to flout any conditions and that the applicant is ready to abide by any condition regarding the application if it is allowed.

However, in view of the fact which has not been disputed by the applicant that he is on interim bail from the High Court in bail application no. 63 of 2020 vide order dated 13.01.2020 which will lapse in case the conciliation talks in the matrimonial litigation which are on going in an SLP pending in the Supreme Court fail to materialize, it will be premature to decide the application. The reason is that the issue on bail also hangs balance alongwith the SLP and there are chances of relief to the petitioner in the form of quashing of the FIR itself if the conciliation talks succeed and in case the conciliation is not successful, the petitioner will have to surrender to the Jail Authorities as per the interim bail order. Hence, the application being premature is dismissed.

Copy of this order be provided to the counsel for accused and Ld. PP for CBI as per the guideline framed by Ld. District Judge through electronic mode/email/WhatsApp if so requested and be also uploaded on the official Website of Delhi District Court.

(ASHOK KUMAR)
ACMM-2 CUM ACJ,
ROUSE AVENUE COURT,
NEW DELHI-02.09.2020

IN THE COURT OF SH. ASHOK KUMAR, ACMM-2 CUM ACJ,
ROUSE AVENUE COURT COMPLEX, NEW DELHI

CBI Vs. N.S. Bhangoo & Ors.

CC No. 43/2019

U/s 420 r/w 120B IPC

02.09.2020

**Order on the application for early hearing as well as bail application
of accused Gurmeet Singh**

The matter is being taken up as per the current duty roster no. E-10559-10644/Power/Gaz/RADC/2020 dated 28.08.2020 and as per the modalities circulated vide circular no. E-10927-11013/Power Gaz/RADC/2020 dated 30.08.2020.

Present: Ms. Mona Jonwal, Ld. PP for CBI.
Sh. S.P. M. Tripathi, Ld. Counsel for applicant/accused
Gurmeet Singh.

Today the matter was kept for hearing on the application for urgent early hearing on the bail application of accused Gurmeet Singh. It is stated that the accused is suffering from co-morbidities, chronic hypertension and other ailments. The application is not opposed by Ld. PP and hence the application for early hearing is allowed.

It is submitted that in view of the co-morbidities of the accused/applicant, he is a case highly likely to contract the COVID-19 infection which has made its way in the jail. Hence on medical ground the accused be granted bail.

On merits, it is submitted that the accused is lodged in JC since 23.01.2016 and the chargesheet has also been filed in the case and considering the long period in JC of more than 4 ½ years the accused be given the benefit of the provision of section 436A Cr.PC. It is submitted that as per this provision the accused become entitled to bail where he has undergone detention for a period extending up to one half of the maximum period of imprisonment specified for that offence

and has to be released on his personal bond with or without surety. It is submitted that the maximum term of imprisonment which this court can impose is for a maximum period of 7 years and hence the accused should be released on bail. Even otherwise the trial will take a long time and co accused Sukhdev Singh has already been granted bail. It is further submitted that the applicant has been granted interim bail on medical grounds on more than one occasion and has never been charged of violating the bail conditions. It is further submitted that as per the ratio laid down in catena of Apex Court judgements, bail and not jail is the rule and in view of **Sanjay Chandra Vs. Central Bureau of Investigation (2012) 1 SCC 40** and **Dataram Singh Vs. Union of India (2018) 3 SCC**, cases where bail was granted even in case of huge economic proportions, bail should be granted to the accused because incarceration of the accused pending trial should not be adopted as means of pre- conviction sentence to the accused. It is further submitted that the accused was only a salaried director and had no role in active decision making of the company. It is also submitted that even otherwise all the evidence is documentary in nature which the accused cannot tamper and the trial is also going to take a long time since charge has not been framed and there is a huge list of witnesses. On these submissions, it is submitted by Ld. Defence counsel that bail should be granted to the accused.

I have perused the medical report dated 10.08.2020 called from the Jail Superintendent which has been prepared by the Medical Officer In-charge of the Jail Dispensary as per which the condition of the accused is stable. Hence, on medical grounds, I do not find it a fit case for bail. As far as the role of the accused is concerned, this is a case where the Apex Court in its order dated 04.09.2018 in Civil Appeal

No. 13301/2015 in IA-82398 of 2018 as well as the Hon'ble High Court in its order dated 06.03.2017 has elucidated upon the gigantic economic proportions and huge number of impacted investors has declined to grant bail to the accused. It is a case involving the cheated amount of more than Rs. 45,150 crores swindled from 5.46 crores investors. The High Court in its order dated 06.03.2017 has dismissed the bail application of the present accused as well as of co accused Subrata Bhattacharya where the role of both the accused has been defined to be on almost similar lines. It is stated that the accused/applicant is a qualified Chartered Accountant who in capacity of director of the company collected crores of investments from gullible investors against sale of non existent/ government land/land not owned by the company and diverted about Rs. 11000 crores through bogus land development companies. Several forged GPA, possession letters and other documents were found in his possession. He also signed various board meetings which are part of the conspiracy to cheat the investors and he also played significant role in diversion of crores of cheated amount to Australia through another sister's concern of the main accused company. The name of the sister's concern company is M/s Pearl Infrastructures Projects Ltd. Further in my view section 436A Cr.PC is not attracted in this case because cognizance has been taken for offences u/s 467, 471 and 409 IPC which attract imprisonment for life and this court and this court u/s 31 Cr.PC has to power to inflict consecutive punishment in case of conviction for more than one offence up to a period of 14 years. Hence, in view of the successive dismissal of the bail application by Hon'ble Apex court as well as Hon'ble High court as well as other observation, this court is not inclined to grant bail to the accused at this stage.

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Copy of this order be provided to the counsel for accused and Ld. PP for CBI as per the guideline framed by Ld. District Judge through electronic mode/email/WhatsApp if so requested and be also uploaded on the official Website of Delhi District Court.

(ASHOK KUMAR)
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