

**IN THE COURT OF BHAWNA JAIN
SPECIAL JUDGE, CBI COURT,
CHANDIGARH
UID NO.HR0169**

CNR No. CHCH01-000337-2024

CIS No.: PC 02 of 2024

IA No.:06 of 11.08.2025

Date of Order : 18.11.2025

Central Bureau of Investigation

versus

Swaranjeet Singh & another

FIR No.RC0052023A00006

Dated : 12.01.2023

Under Section : 120-B, 409, 420 of the
IPC, 7 & 8 of Prevention of
Corruption Act, 1988

Police Station : CBI, ACB, Chandigarh.

**Application on behalf of the accused namely
Swaranjeet Singh to inspect the un-relied upon
documents seized during investigation in the present
case.**

Argued by : Sh. Sanal Kumar Advocate, counsel for applicant/Accused
No.1.

Sh. Narender Singh Public Prosecutor for respondent/CBI.

ORDER

This is to dispose of application IA-06/2025 moved on behalf
of applicant/accused No.1 Swaranjeet Singh seeking inspection of unrelieved
upon documents.

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Applicant's version:

2. It has been interalia claimed on behalf of applicant that the unrelieved documents are required to be inspected by the applicant and his counsel before advancing arguments on charge.

3. It is further claimed that as per the ratio of law settled by Hon'ble Apex Court of the land, an accused is entitled for inspection and copy of unrelieved upon documents even at the time of framing of charge and in order to avail the right to fair trial, the accused cannot be denied the right to inspect the documents including the unrelieved upon documents. Hence, this request.

Respondent's version:

4. It has been claimed on behalf of CBI that this case was registered on 12.01.2023 for commission of offences punishable under 120-B read with 409, 420 of the IPC & Sections 13 (2) read with Section 13 (1) (a) of Prevention of Corruption Act, 1988 on the basis of source information against accused Swaranjeet Singh, the then SDE, Short Message Service Centre (SMSC), North Centre (NC), Chandigarh and other accused. On completion of investigation, charge sheet in this case was filed against accused public servant Swaranjeet Singh and accused-private persons Saurabh Tyagi, Marconi James Macwan and Preeti Gohel under Sections 7 & 8 of Prevention of Corruption Act (as amended) and under Sections 420, 120-B & Section 65 of the IT Act, 2000.

5. It is further urged that instant application being at the stage of consideration on charge, is not maintainable. The prosecution has already supplied all the relied upon documents and statements as per Section 207 of Cr.P.C. The instant application is, thus, devoid of merits.

6. Arguments have been advanced by Sh. Sanal Kumar, Advocate, learned counsel for the applicant/accused and Sh.Narender Singh, learned Public Prosecutor for the respondent/CBI.

Submissions of applicant:

7. It has been urged on behalf of learned counsel for applicant that in pursuance of ratio of law laid down by Delhi High Court in **Central Bureau of Investigation vs. INX Media Pvt. Ltd. And others, 2021 SCC OnLine 4932**, accused has right to inspect the documents lying in the malkhana of CBI, which are not relied upon by the prosecution and if such documents are relevant for their defence or are of sterling quality, then accused have a right to bring the same to the notice of the court. This can only be done after the same are inspected as has been observed by the Delhi High Court which has been upheld by the apex court of the land in **Central Bureau of Investigation vs. M/s. INX Media Pvt. Ltd. & others, SLP (Crl.) No.1274 of 2022, decided on 18.07.2023.**

Submissions of respondent:

8. Learned Public Prosecutor on behalf of respondent/CBI has urged that the prosecution has already supplied all the relied upon documents and statements as per Section 207 of Cr.P.C. and therefore, ratio

of law referred by learned counsel for the applicant is not applicable to the facts of instant case and, thus, he is not entitled to inspection of the documents/record as sought for through the instant application. Reliance has been placed upon **CBI Vs. Sudhakar and Another (Criminal Appeal Nos.1440-1441/2025 SLP (Crl.) Nos.7307-7308/2024.**

Analysis and Findings:

9. Admittedly, after furnishing of final report of investigation in this case, the proceedings of the case are at the stage of framing of charge against the accused persons including applicant Swaranjeet Singh.

10. In somewhat similar circumstances, Delhi High Court has held in **M/s. INX Media's case (supra)** in para 15 as under :

“Further, a document which is relevant and is of sterling quality can also be looked into by the Court at the time of framing of charge and the Court is not barred to exercise its power to summon or rely upon the said document at the stage of charge, if it is of sterling quality and has a crucial bearing on the issue of framing of charge. Therefore, at the time of framing of charge an accused can bring to the notice of the Court that an un-relied document recovered during the course of investigation and kept back by the investigating agency is relevant and has a bearing on the prosecution case only if the accused is aware of the said document.....”

11. It was further held in para 16 as under :

.....In relation to the documents which have not been filed in the Court, the learned Trial Court did not direct the CBI to produce the said documents in Court and held that the ends of justice would be met if the accused persons are permitted to inspect the said documents lying in the malkhana of CBI and to find out if any such document is relevant or vital for their defence or is of sterling quality to demolish the very case of prosecution and after making inspection learned counsel representing these accused shall

let the Court know the details of these documents so that copies thereof can be supplied to them.”

12. Identical is the situation obtaining in this case, which is now at the stage of framing of charge. Since accused has a right at the time of framing of charge to bring to the notice of the court unrelieved upon documents recovered during course of investigation and kept by the investigating agency, which has bearing on the case of the prosecution, such right can be exercised by the accused only when he is aware of the documents. Therefore, inspection of unrelieved upon documents has become necessary so as to ensure a fair trial to the accused. Therefore, accused-applicant has a right to inspect the unrelieved upon documents lying in the malkhana of CBI, so as to find out if any such document is relevant or vital for his defence or of sterling quality to demolish the very case of the prosecution. The facts of the case law referred to by the CBI are not applicable to the facts of the present case.

Conclusion:

13. Consequently, there is merit in the application. Same is hereby allowed. The accused is entitled to inspect the unrelieved upon documents lying in the malkhana of CBI either personally or through counsel.

**Pronounced
18.11.2025**

**Bhawna Jain,
Special Judge, CBI Court,
Chandigarh
UID No.HR0169**

**Sanjeev Dogra,
Stenographer Grade - I**

Bhawna Jain
Special Judge, CBI Court,
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