

CC No. 91/2019  
CBI v. S.N.S. Sidhu & ors.  
CNR No. DLCT11-000428-2019

16.01.2025

Present: Ms. Jyoti Solanki, Ld. PP for the CBI.

Accused S.N.S. Sidhu and R.S. Sandhu are on bail with Ld. Counsel Sh. Hitendra Kapur.

Accused Atul Vashisht and Lal Mani produced from JC (They are convicted in CC no. 06/19).

Ld. Counsel Sh. Manjeet Godara for accused Atul Vashisht.

Accused Mohan Lal is on bail present today.

Accused Vijay Kumar is on bail along with Ld. LAC Ms. Nazima Siddiqui.

Accused Surjeet Singh present through video conferencing.

Sh. Baljinder Singh, Ld. LAC for accused Surjeet Singh.

Considered the last orders. Reply filed on behalf of accused Atul Vashisht and Vijay Kumar. Copy supplied. No reply has been filed by remaining accused persons, nonetheless, Ld. Counsels/LACs submit that they vehemently oppose the application and would argue straightway on the application.

Part arguments on the application moved by the CBI for adding/examining 7 additional witnesses heard.

During the course of arguments, it is pointed out by

Ld. Defence Counsels that this is probably 5<sup>th</sup> application moved by the CBI for examining additional witness/bringing on record additional evidence in this matter. It is also submitted that same is the CBI's approach in other matters.

Considered the record.

I do find merits in the submissions of Ld. Defence Counsels. During the trial one such application was moved on 12.07.2018 for examining Sh. S.C. Choudhary as a witness as his name was not mentioned in the initial list of witnesses filed along with charge sheet. Thereafter two more applications were moved for placing on record around 6 additional documents which were allowed by Ld. Predecessor of this court on 17.03.2023. Another application as was moved by the CBI for placing on record additional documents on record and the same was allowed by the undersigned vide orders dated 08.02.2024.

By way of present application, CBI seeks permission to examine 7 additional witnesses for proving on record the documents which are already on record, which application has been vehemently opposed by Ld. Defence Counsels.

Considering the repeated applications moved by CBI for examining additional witnesses/bringing on record additional evidence, let copy of present order be sent to HOB to look into this aspect more so when it is also the submissions of Ld. Defence counsels that similar applications have been moved in other connecting matters arising out of RC No. 25/07 which has

not not only considerably delayed the trial in all these cases but also reflects badly upon the IOs, investigation conducted in the matters. It is also their case that such applications are causing prejudice and undue harassment to the accused persons. Ld. Defence Counsels also submit that in fact this court has already observed in RC No 43A/2007 as regards the investigation conducted by the IOs which judgment/order has already been sent to the Director, CBI for his consideration.

Let HOB examine these issues/aspects and apprise the court as regards the observations made by this court, reason for not including the name of witnesses in the initial list as well as for not placing the documents on record along with chargesheet. This badly reflects upon the investigating agency and there has to be some end to the repeated applications moved by the prosecution/CBI. This is not expected of a premier investigation agency like CBI. This court has already observed as regards the manner in which investigation has been conducted in these connected matters and has already sent copy of judgment in RC no. 43A/2007 but is yet to receive any response from the office of Director, CBI. Let the same be sent to this court within three week from today.

Before parting with the present order, this court is also constrained to observe that though there are HIOs in all the matters pending before this court, for the assistance of Ld. PP as well as the court, however, HIOs are never present in the court to

assist the court or Ld. PP and it is only when during the trial, recording of evidence when the court ascertains about their whereabouts that the HIOs bother to appear in the court. The records being extremely bulky, if the HIOs are present in the court it can to a great extent help the Ld. PP as well as the trial would proceed smoothly.

At request copy of order be given dasti to HIO.

Relist the matter for arguments on application now on 28.02.2025.

**(GAURAV RAO)**  
**SPECIAL JUDGE (PC ACT) (CBI)**  
**ROUSE AVENUE DISTRICT COURTS**  
**NEW DELHI/16.01.2015**