

IN THE COURT OF PRINCIPAL DISTRICT & SESSIONS
JUDGE-CUM-SPECIAL JUDGE (PC ACT) (CBI),
ROUSE AVENUE DISTRICT COURT NEW DELHI

CNR No. DLCT11-000804-2025
RC No. 218/2024/A0014/CBI/AC-III/New Delhi
CBI Vs. Varun Popli
CBI No. 63/2025

27.04.2026

ORDER ON CHARGE

1. The case of the prosecution is that Sh. Amit Verma, Manager, Finance & Commercial of M/s 21st Century Builders & Engineers filed a written complaint alleging that accused Varun Popli, DGM (Engineer), NBCC, working at the work site at Leh had threatened them that he shall not allow supply and installation of 50 KVA DGSET, a tendered item, unless Rs.20 lakhs is paid as bribe. The bribe amount was refused by the complainant but after sometime accused had asked for a bribe of Rs.16 lakhs thereafter he had asked for Rs.7.40 lakhs as part payment and threatened the complainant that he would not allow the work on the project smoothly, if the said amount is not paid to him. The accused had demanded the bribe amount to be paid in Delhi. Since the complainant did not want to pay the bribe amount, he had filed the complaint.

2. Verification proceedings were carried out wherein the complainant had made whatsapp calls to the accused and recorded the said conversation in presence of witnesses. Accused had demanded bribe of Rs.11.40 lakhs and had informed the complainant to give at least Rs.7 lakhs on 31.07.2024. Complainant had clarified that he was arranging Rs.5 lakhs out of Rs.7.40 lakhs which he had agreed. Thereafter trap team was formed. Independent witnesses were arranged and complainant was instructed to give the amount only when demanded by the accused. Notes of Rs.500 x 1000 were treated with phenolphthalein powder and kept in a bag. Complainant again called the accused and asked him to confirm the place of delivery to which he had sent a whatsapp message and also explained the location. Complainant had again talked to him to confirm the location and gone to the designated spot i.e. outside PVR Restaurant. Thereafter, he had gone inside the restaurant and sat with the accused. Complainant gave a message to the trap team who had seated themselves at suitable positions in the vicinity of accused as he did not know them. On demand complainant delivered the bribe amount and when the accused was leaving with the bribe amount, he was intercepted. Recovery was made from him. His hand wash, sofa wash and wash of table of the restaurant was also taken which confirmed that the said packet having bribe money was placed at the said place

and delivered and recovered from accused. CCTV footage of the said restaurant was collected which also confirmed the said incident of accused taking bribe from the complainant.

3. As per prosecution, they also had the recorded conversations, prepared their transcripts and took sample voice of accused and complainant. The same were identified by the witnesses and was also sent to CFSL for examination but the said CFSL report is stated to be pending.
4. Prosecution has also placed on record the relevant documents showing appointment of accused with NBCC and working as DGM at Leh where complainant's work of installing DG set was going on. Transcript available on record show conversation between accused and complainant wherein accused is stated to have mentioned that he had set the demand of Rs.11.40 lakhs. Prosecution has also collected the whatsapp chats of the accused sent to complainant where accused is alleged to send message in the form of demand of 10+1+0.4 sqm. Complainant explained that sqm. was abbreviation for lakhs i.e. total 11.4 lakhs. The bribe amount of Rs.5 lakhs were 1000 notes of Rs.500/- denomination which were treated with phenolphthalein powder which were also recovered from accused and his hand wash confirmed the said recovery of

the bribe amount.

5. Ld. Counsel for the accused had argued that in the present case the sanction under Section 17 A of PC Act was required which was not obtained and therefore, the case could not proceed. They have also filed a written note on the applicability of Section 17 A of PC Act. It is further argued that Section 17 A of PC Act did not create any separate class of offence or did not exclude any offence from its purview. The only exception u/s 17 A is created for a specific situation and not for an offence i.e. only for the situation when the person is arrested but not thereafter. Meaning thereby that the proviso was applicable only for the arrest procedure and not for any further investigation. There was no word 'trap' used in Section 17 A and therefore it could not be applicable for the entire trap proceedings. The proviso to Section 17 A relates only to cases of accepting or attempting to accept and not to cases of obtainment.
6. Ld. Counsel for the accused further argued that the recordings being relied by the prosecution were not of any consequences as the sample voice is stated to have been taken without any permission from the court.
7. Accused has relied upon the following judgments in support of his case:-
 - (i) Sanjay @ Vicky CRL.A. 1151/2010 passed by

Hon'ble High Court of Delhi.

- (ii) Rajender Kumar @ Raju, Riazuddin @ Riyaz, Sanjeev @ Bahua Vs. State (GNCT of Delhi) CrI.A. 506/2011 CrI. M. (Bail) 666/2011, CrI.A. 858/2011, CrI. M. (Bail) 1218/2011, 548/12, CrI.A. 865/2011 and CrI. M. (Bail) 1226/2011, 2012 SCC Online Del. 4517: (2012) 4 DLT (CrI) 730 : (2012)4 DLT (Cri) 730 (DB).
 - (iii) Sudhir Chaudhary and Others Vs. State (NCT of Delhi) (2016) 8 Supreme Court Cases 307
 - (iv) Ritesh Sinha Vs. State of Utta Pradesh & Another (2019) 8 Supreme Court Cases 1.
 - (v) Nara Chandrababu Naidu Vs. State of Andhra Pradesh and Another (2024) 13 Supreme Court Cases 292.
 - (vi) K. Shiva Kumar Vs. State (2025) 1 High Court Cases (Mad) 139.
 - (vii) Yashwant Sinha and Others Vs. Central Bureau of Investigation (2020) 2 Supreme Court Cases 338.
 - (viii) H.N. Rishbud, Inder Singh Vs. State of Delhi (1954) 2 Supreme Court Cases 934.
 - (ix) Munna Lal Nishad Vs. CBI CrI.A. 54/2003 passed by Hon'ble High Court of Delhi.
 - (x) Neeraj Dutta Vs. State (Govt. Of NCT of Delhi) (2023) 4 Supreme Court Cases 731.
8. Ld. Sr. PP for CBI has relied on **Lalu Prasad Yadav Vs. CBI W.P.(CRL) 1845/2025 dated 24.03.2026 passed by Delhi High Court and Anil Daima Etc Vs. State of**

Rajasthan & Ors., 2026 INSC 72 in support of his contentions.

9. As far as the question of applicability of Section 17 A of PC Act is concerned, the case of the prosecution is that accused was working as DGM at Leh and was supervising the work of installation of DG set by the complainant company. Accused had demanded bribe amount for clearing the bills and smooth functioning of the complainant's installation work. Complainant had filed a written complaint on 30.07.2024 to CBI. On the same day, CBI carried out verification proceedings and it was found that accused had demanded part amount to be paid on the next day at Delhi. Trap team was prepared and after accused demanded the bribe amount complainant delivered Rs.5 lakhs cash to accused, who was apprehended on spot and amount was recovered from him.

The issue of demand of illegal gratification by a public servant for discharge of his official duty cannot be taken to be related to his recommendation or decision relating to his duty in any manner as the Hon'ble Supreme Court in the judgment of Anil Daima (Supra) in paragraph 7 has held that:-

“Section 17 A came to be enacted with a particular object. Section 17 A talks about enquiry or inquiry or investigation of offences relatable to recommendations made or decisions taken by public servant in discharge of official functions or duties.

Section 17 A by any stretch of imagination cannot be applied to cases of demand of illegal gratification.”

10. Further, as per the proviso of Section 17 A of PC Act, no such approval is required for cases involving arrest of a person on the spot on a charge of accepting or attempting to accept any undue advantage for himself or for any other person.
11. Ld. Counsel for accused had argued that the proviso was applicable only for the stage when the accused was arrested and not for the further investigation or for the entire case. This argument of the Ld. Counsel for the accused is apparently contrary to the plain language of the proviso which clearly mentions that it is talking about exclusion of cases involving arrest of persons on the spot on the charge of accepting or attempting to accept any undue advantage for himself or others and not merely about the process of arrest of the accused at the spot.
12. The argument that Section 17 A PC Act applies only to cases of attempt or acceptance of illegal gratification and not to cases of obtainment is concerned, the said argument is also not sustainable as obtainment of illegal gratification would itself include acceptance of illegal gratification.
13. The second objection raised by the Ld. Counsel for the accused is that the sample voice of the accused was taken

by the prosecution without any permission from the court. In this regard, Ld. Sr. PP for CBI had argued that accused had voluntarily agreed to give his sample voice and in case he would have not agreed, they would move an application under the relevant provisions of Law. The argument raised by the Ld. Sr. PP for CBI appears to be justified at this stage where the facts on record are alleged to be to the effect that accused after being arrested voluntarily agreed to give his sample voice.

14. For framing of charge under Section 7 of the PC Act, the prosecution is required to prima facie show that a public servant has accepted or obtained any gratification other than legal remuneration as a motive or reward for doing or for bearing to do any official act by way of favour or disfavour to any person in the discharge of his official duties.
15. The accused is alleged to have been working as a DGM at the work site at Leh where the complainant company was awarded installation of 50 KVA DGSET and it is alleged that for clearing the payment and smooth functioning of the project, the accused demanded bribe amount of Rs.20 lakhs which later was agreed at Rs.11.40 lakhs. Out of said amount, complainant had agreed to deliver Rs.5 lakhs to accused at Delhi, which was delivered and accused was caught red handed with the same. The said allegations are

sought to be corroborated by oral as well as documentary evidence in the form of independent witnesses as well as recorded conversation, whatsapp call, message, location sharing and CCTV footage of the spot. There is thus prima facie case, showing strong suspicion of involvement of accused in the offence in question.

16. I, therefore, order that charges be framed against the accused for the offence under Section 7 of Prevention of Corruption Act.

Announced in the open court
on the 27th day of April, 2026

(Dinesh Bhatt)
Principal District & Sessions Judge-
cum-Special Judge (PC Act) (CBI),
Rouse Avenue District Court
New Delhi 27.04.2026