

CBI Vs. M/s Reliance Commercial Finance Ltd., Amit Bapna & Ors.
IA No. 04/2026
(In RC-0742025E0007)

03.07.2026 (At 01:00 PM)

Present : Sh. Sandeep Gaurav, Id. PP alongwith DSP M.K. Singh
for CBI, BSFB, New Delhi.
Inmate Amit Bapna has joined the proceeding from Central
Jail No.7, Tihar (Through VC).
Sh. Praveen Kumar, DEO from Central Jail No.7, Tihar
(through VC).
Sh. Maninder Singh, Sr. Adv. Alongwith Mr. Faisal
Sherwani, Mr. Shikher Deep Aggarwal, Ms. Priyal Bapna
and Mr. Aryan Tikoo, Ld. Counsels for Inmate Amit Bapna.

1. In compliance of order dated 02.07.2026, reply to the application seeking production of inmate Amit Bapna before CR-52, City Civil & Sessions Court, Greater Mumbai in CBI Case No. RC0742025E0007- CBI, BSFB, New Delhi is filed on behalf of Office of Superintendent of Prisons, Central Jail No. 7, Tihar, New Delhi. Copy supplied to both the sides.

2. Inmate Amit Bapna is present through VC from Central jail No. 7, Tihar, New Delhi. Inmate Amit Bapna confirmed that he had received the copy of the application moved on 02.07.2026 from Jail Authorities. Ld. Counsel for Inmate Amit Bapna further submits that they have also received the copy of the application moved on behalf of CBI.

3. Arguments on the application (IA No.04/2026) heard from both the sides.

4. Put up for orders in the post lunch session as and when it is ready.

(HASAN ANZAR)
Special Judge (PC Act) CBI-03,
RADC/New Delhi/03.07.2026

(Post Lunch Session) (At 03:15 PM)

Present : As before.

5. This order shall decide an application moved on behalf of the CBI seeking production of inmate Amit Bapna before CR-52, City Civil & Sessions Court, Greater Mumbai in CBI Case No. RC0742025E0007 on 04.07.2026 at 03:00 PM.

6. It is contended by the Id.PP for CBI that present case is under investigation. It is also contended that inmate Amit Bapna is required for the purposes of the investigation in the case and it is for the said reason, the investigating agency has moved an application for issuance of production warrant of the inmate Amit Bapna before Gr. Mumbai Court for 04.07.2026 at 03:00 PM.

7. During the course of hearing, the reply/objections to the application is also filed on behalf of Inmate Amit Bapna. The copy of the same is supplied to CBI.

8. Sh. Maninder Singh, Ld. Sr. Counsel for inmate Amit Bapna has opposed the application for production of inmate Amit Bapna before CR-52, City Civil & Sessions Court, Greater Mumbai in CBI Case No.

RC0742025E0007 by contending that application for production of inmate Amit Bapna is devoid of any substance. It is further contended that in the present case, the FIR was lodged on 05.12.2025 in which the inmate Amit Bapna is not named as an accused. It is further contended that order for the production could be issued if the inmate Amit Bapna has to answer the charge against him and the status of the inmate Amit Bapna is not clear whether he is an accused or a witness in the present case. It is further contended that the purpose of which the production before Gr. Mumbai Court is not clear. It is also contended that custody cannot be granted on the mere askance of the CBI. It is also contended that inmate is an accused before the Court and by seeking his production before Gr. Mumbai Court, the legal rights of inmate Amit Bapna are being curtailed. It is also contended that inmate is caught by surprise as he has not been informed about the pendency of the present FIR and as a result of which he could not avail his statutory remedy u/s 482 BNSS, 2023. It is also contended that various options were also available before the CBI prior to moving the present application for production such as interrogation at Central jail No. 7, Tihar, New Delhi or examination through Video Conferencing and as to why the inmate is required to be taken to Mumbai Court. It is also contended that the order for production by the Mumbai Court is an Ex-Parte Order and it is also contended that this Court has discretion to refuse the production of inmate Amit Bapna before the Gr. Mumbai Court. Id. Sr. Counsel has relied upon ***Naveen Dabas @ Bali Vs. State of Haryana, CRM-M-15605 of 2024*** dated 05.04.2024. The Id. Counsel has prayed for the dismissal of the application.

9. Id. PP for CBI has rebutted the submission and contended

that even if the person is not named in the FIR and if his role has emerged during the investigation then, he can be arrayed as an accused depending on the direction of the investigation. It is also contended that taking into consideration the production warrant has been issued by the Gr. Mumbai Court.

10. I have considered the submission made on behalf of both the sides and also perused the reply/objection filed on behalf of inmate Amit Bapna as well as the status report filed by Jail Authorities.

11. In **Dhanraj Aswani Vs. Amar S. Mulchandani & Anr. (2024) 10 SCC 336**, it was observed in Paragraph No. 48 (b) that if accused is arrested with a warrant while he is free and not in custody, then Section 81 CrPC permits the production of such accused before the court issuing the warrant. In Paragraph No. 48C if the accused is arrested with or without a warrant while he is already in custody in one offence, then it is only u/s 267 CrPC (*Now Section 302 BNSS, 2023*) that he can be removed from such custody and produced before the Magistrate under whose territorial jurisdiction, the other offence is registered. Moreover, in Paragraph No. 57, it is observed that *“A number of decisions have held that although Section 267 CrPC cannot be invoked to enable production of the accused before the investigating agency, yet it can undoubtedly be invoked to require production of the accused before the jurisdictional Magistrate, who can thereafter remand him to the custody of the investigating agency. Such an interpretation of the provisions would give true effect to the words “other proceedings” as they appear in the text of Section 267 CrPC, which cannot be construed to exclude proceedings at the stage of investigation”*.

12. In the report filed by the Office of Superintendent of Prisons, Central Jail No. 7, Tihar, New Delhi it is submitted that whatever order is passed with respect to inmate Amit Bapna by the Court, it shall be complied by the Jail Authorities and the production warrant received from outside court shall be subject to the permission from the concerned Court.

13. The submission of the Id. Sr. Counsel for inmate Amit Bapna is to the effect that production of inmate Amit Bapna before Gr. Mumbai Court shall take his right as he was not given ample opportunity to avail remedy u/s 482 BNSS, 2023.

14. During the course of hearing, Id. PP for CBI has shown the order dated 01.07.2026 on the basis of which the production warrant for the production of inmate Amit Bapna for 04.07.2026 was issued.

15. The said order notes that on the application moved on behalf of CBI, the presence of the inmate Amit Bapna is required for the purposes of investigation.

16. The production before CR-52, City Civil & Sessions Court, Greater Mumbai in CBI Case No. RC0742025E0007 is the responsibility of the Jail Administration and cannot be termed as the Police Custody as it is the Jail Authority which has to take the decision as to how it can produce the inmate Amit Bapna before Gr. Mumbai Court as per applicable rules/guidelines and it does not take away the right of Inmate Amit Bapna in any manner.

17. Having considered the totality of the facts and circumstances, the present Prisoner Transit warrant is signed by the Court subject to the condition that it would be open to the concerned Jail Superintendent to ensure the execution of Prisoner Transit Warrant subject to the Section 304 BNSS, 2023 (*Earlier Section 269 CrPC*) by physically producing in CR-52, City Civil & Sessions Court, Greater Mumbai in CBI Case No. RC0742025E0007. It would be open for the In-charge/Superintendent of Prison, Central Jail No. 7, Tihar, New Delhi that if he is unable to carry out the order then he can send a report in terms of Section 304 BNSS, 2023.

18. With these observations, the application stands allowed and disposed of accordingly and the objection/reply filed on behalf of inmate is dismissed.

19. Copy of the order be given *Dasti* to both the sides.

20. Copy of order be also sent through e-mail to the concerned Superintendent of Prisons, Central Jail No. 7, Tihar, New Delhi for necessary compliance.

(HASAN ANZAR)
Special Judge (PC Act) CBI-03,
RADC/New Delhi/03.07.2026