

DoE v Surendra Kumar Jain & Ors.

23.11.2019

Present: Sh. Atul Tripathi, Learned SPP for DoE with IO/AD Jas Ram Meena.

All accused in person except A-1 Surender Kumar Jain, A-8 Rajesh Kumar Aggarwal, A-37 Ms. Misha Bharti, A-38 Shailesh Kumar, A-39 Santosh Kumar Shah, A-74 Surender Kumar Basal and A-77 Bikash Singh.

Sh. Suresh C Sati and Sh. Sarvesh Pal Singh, learned counsel for A-1, A-2, A-9 to A-34, A-45 to A-59 and A-71.

No one is representing A-3 M/s Jagat Projects Ltd.

Ms. Rehana Ahmed, learned counsel for A-4, A-6 & A-7.

Sh. Ankit Agarwal, learned counsel for A-5.

Sh. Shivam Gupta, learned counsel for A-8.

AR Sh. Bharatbhushan for A-9 to A-34.

None for A-35 M/s Tulika Securities (P) Ltd.

Sh. Naveen Kumar and Sh. Faraz Mohd., learned counsel for A-36, A-37 and A-38.

Ms. Shelly Arora and Sh. Somesh Arora, learned counsels for A-40 to A-44 alongwith the AR A-39 Santosh Kumar Shah for A-40 to A-44.

A-45 to A-59 represented through A-2 Virendra Jain.

A-60 Ravinder Kumar Goel with learned counsel Sh. Piyush Goel.

A-61 Ms. Swati Pawa with learned counsel Sh. Ankit Agarwal.

A-62 Mukesh Sharma with learned counsel Sh. S. S. Sharma.

A-63 Debasis Dixit with learned counsel Sh. Rajesh Hadda.

A-64 Prakash Hirawat with learned counsel Sh. S. S. Sharma.

A-65 Sanjay Kumar Grover with learned counsel Sh. Sunil Sharma.

A-66 Anuj Garg with learned counsel Sh. S. S. Sharma.

A-67 Kuldeep Chauhan with learned counsel Sh. S. S. Sharma.

A-68 Vinod Kumar Gupta in person.

A-69 Dhirendra Kumar in person with learned counsel Sh. Rakesh Kumar.

A-70 Bineet Kapoor with learned counsel Ms. Mahima Dayani.

A-72 SSK Trading (P) Ltd. and A-73 Bansal Diamonds (P) Ltd. represented through A-74 Surender Kumar Basal.

Sh. Devinder Singh Khatana, learned counsel for A-72, A-73 and

A-74.

A-75 Ajay Guptas Shree Nath Hjewelers (P) Ltd. Unserved.

A-76 Ajay Gupta unserved.

Sh. Naveen Chawla, learned counsel for A-77 Bikash Singhi.

A-78 Payal Portfolio is represented through A-79 Amit Arora.

Sh. Gandharv Anand, learned counsel for A-78 & 79.

Vakalatnama filed by learned counsel for A-60, A-61, A-62, A-65, A-66, A-74, A-77 and A-79. Same be taken on record.

Copy of Resolution filed on behalf of A-79 in favour of Sh. Amit Arora as Authorized Representative.

An application seeking exemption from personal appearance has been moved on behalf of A-1 for today. For the reasons stated therein, the application is allowed for today only.

An application seeking exemption from personal appearance has been moved on behalf of A-7 for today. For the reasons stated therein, the application is allowed for today only.

Joint application seeking exemption from personal appearance has been moved on behalf of A-36 & A-38 for today. For the reasons stated therein, the application is allowed for today only.

An application seeking exemption from personal appearance has been moved on behalf of A-37 for today. For the reasons stated therein, the application is allowed for today only.

An application seeking exemption from personal appearance alongwith medical report has been moved on behalf of A-39 for today. For the reasons stated therein, the application is allowed for today only.

An application for exemption from personal appearance alongwith medical report has been moved on behalf of A-74 for today by his counsel Sh. Devinder Singh Khatana. Heard. For the reasons stated therein, the

application is allowed for today only.

An application seeking exemption from personal appearance alongwith medical report has been moved on behalf of A-77 for today by his counsel Sh. Naveen Chawla. For the reasons stated therein, the application is allowed for today only.

Bail Application: Accused A-63 Debasis Dixit, A-70 Bineet Kapoor, A-79 Amit Arora, A-60 Ravinder Goel, A-61 Swati Pawa, A-65 Sanjay Kumar Grover and A-71 Pankaj Kumar, A-62 Mukesh Sharma, A-64 Prakash Hirawat, A-66 Anuj Garg, A-67 Kuldeep Chauhan, A-68 Vinod Kumar Gupta and A-69 Dharendra Kumar have moved application for bail. Copy supplied to learned SPP for DoE.

I have heard the submissions on the bail application of the accused. Learned SPP for the DoE does not want to file reply to the bail application. However, he submits that this is an economic offence for which accused have been summoned and allegations are serious in nature which involve the offence of money laundering and the applicant/accused have played an active role in the commission of the offence.

The learned counsel for the accused has submitted that the accused have been summoned on the supplementary charge-sheet/supplementary complaint. The investigating agency did not feel the necessity to arrest the accused during the investigation, therefore, no purpose will be served by declining them the liberty of bail.

Having considered the submissions made by the learned counsels for the accused and the learned SPP for DoE, I am of the view that the accused having been summoned on supplementary charge-sheet/supplementary complaint and arrest being not required during investigation is factor which goes in their favour. Furthermore, the case of the

DoE is based on documents and there is no apprehension that the accused will or can tamper with the evidence available with the DoE.

Accordingly, all the applicant/accused are admitted to bail on furnishing their personal bond in the sum of Rs. One lac with one surety of the like amount with following conditions:-

- i. Accused shall not tamper with the evidence;
- ii. Accused shall not leave India without prior permission of the court and
- iii. Accused shall not try to influence the witnesses of the prosecution.

Bail applications disposed off.

Bail Bonds accepted: Bail bond furnished by A-63 Debasis Dixit, A-70 Bineet Kapoor and A-79 Amit Arora. Accepted. Let letter be sent to the concerned bank with directions not to release the FDR without leave of the court.

Bail Bonds accepted till next date: Bail bonds furnished by A-60 Ravinder Goel, A-61 Swati Pawa, A-65 Sanjay Kumar Grover and A-71 Pankaj Kumar. Accepted till next date of hearing.

Personal Bonds: A-62 Mukesh Sharma, A-64 Prakash Hirawat, A-66 Anuj Garg, A-67 Kuldeep Chauhan, A-68 Vinod Kumar Gupta and A-69 Dharendra Kumar have furnished personal bond. They have requested that they may be given liberty to furnish surety bond on the next date of hearing. Heard. Request allowed. The accused are released on personal bond of Rs. One lac for today with direction to furnish surety bond on the next date of hearing.

Accused unserved: A-75 & A-76 remained unserved. As per the report received, they have left the given address. Let the fresh address of A-75 & A-76 be furnished and summons thereafter be issued to them.

Learned SPP for DoE submits that they are supplying the copy of the complaint as well as soft copy of the relied upon documents. Let the copies of relied upon documents be supplied to the accused who are present in the court today.

It is submitted by the learned SPP for DoE that the address of A-75 & A-76 has to be verified and ascertained. It is informed that IO of the case has been reverted to his parent department and new IO will be assigned for the case, therefore, it will take some time to verify the address. Longer date is being prayed for by the learned SPP for DoE.

Matter be listed for **18.01.2020 at 10.30 am** for (i) Confirmation of bail bond of A-60, A-61, A-65, A-71; (ii) For furnishing of surety bond by A-62, A-64, A-66, A-67, A-68, A-69 and (iii) For service of A-75 and A-76 and appearance of A-72, A-73, A-74 and A-77.

(AJAY KUMAR KUHAR)
ASJ/Special Judge (PC Act), CBI-09
RACC, New Delhi : 23.11.2019 ^(SR)