

Nishan Lal Vs CBI.

Present: Shri Dinesh Singh, counsel for applicant-accused Nishan Lal

Instant regular bail application has been moved by applicant-accused Nishan Lal, in case RC No.BDI/2015/E/0002 dated 03.02.2015. It be checked and registered. Shri D.S.Chawla, learned PP for the CBI, who is present in the court, accepts notice of the bail application on behalf of prosecution/CBI and on instruction of Shri Narinder Kumar, Inspector, CBI, has sought some time to file reply to the bail application.

Learned counsel for the applicant-accused has submitted that applicant-accused has appeared in the court on the very first hearing in pursuance of the summons issued by this court to face trial and has offered himself to the courts jurisdiction. It has further been submitted that admittedly challan has been filed by the investigating agency and applicant-accused was never arrested by the investigating agency during the course of investigation and no recovery is to be effected from the applicant-accused. That the applicant-accused is ready to face trial without any fail and undertakes to appear before the court on each and every date of hearing and shall abide by the conditions if any, imposed by this court and accordingly no useful purpose would be served in sending the accused-applicant behind the bar. It is also submitted that arrest is not must whenever FIR of a cognizable offence is lodged and accordingly prayer has been made to grant regular bail to the applicant-accused.

On the other hand learned PP for the CBI has submitted that accused be taken in custody and be not granted regular bail as he may flee from justice. It is settled legal proposition that a court hearing regular bail application has got inherent power to grant interim bail pending final disposal of the regular bail application. Keeping in view entire facts and circumstances and without expressing any opinion on the merits of the application and the case, this court is of the considered opinion that applicant-accused be enlarged on interim bail till 22.02.2017 i.e. till final disposal of the regular bail application, subject to furnishing bail bonds in the sum of ₹1,00,000/- with two sureties in the like amount. Bail bonds/surety bonds on behalf of accused furnished, accepted and attested. In the mean-while, prosecution/CBI is free to file reply, if any, to the bail application and now case to come up on **22.02.2017** for filing reply and final arguments on the bail application.

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(Jagdeep Singh)
Special Judge (CBI),
Haryana at Panchkula.
16.02.2017.
UID Number.: HR0125.