

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA**CrMP(M) No. : 160 of 2025****Decided on : 28.02.2025**

Narender Singh Rawat ...Applicant

Versus

CBI ...Respondent

Coram

The Hon'ble Mr. Justice Virender Singh, Judge.

Whether approved for reporting?¹

For the applicant : Mr. Peeyush Verma, Senior Advocate, with Mr. Ajay Kumar Sharma, Advocate.

For the respondent : Mr. Janesh Mahajan, Special Public Prosecutor, assisted by Inspector Ankur Sharma, I.O., Police Station CBI, ACB, Shimla.

Virender Singh, Judge. *(Oral)*

Applicant-Narender Singh Rawat has filed the present application, under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (hereinafter referred to as 'BNSS') seeking, his release on bail, during the pendency of trial, in case RC No. 00962025A0001, dated 2nd January, 2025, registered with Police Station CBI, ACB

¹ *Whether Reporters of local papers may be allowed to see the judgment? Yes.*

Shimla, under Section 7 of the Prevention of Corruption Act (hereinafter referred to as 'PC Act').

2. According to the applicant, he is innocent and has not committed any act, contrary to law. As per the applicant, he has falsely been implicated, in this case.

3. It is the case of the applicant that the case against him is based upon false and twisted facts.

4. As per the case of the applicant, there is no evidence of any demand or giving of illegal gratification and the alleged trap proceedings are a farce, based upon false and fabricated documents.

5. According to the applicant, the investigation, in the present case is complete and nothing remains to be recovered from him or at his instance, as such, no useful purpose would be served by keeping him in judicial custody.

6. Apart from this, learned counsel appearing for the applicant, has given certain undertakings, on behalf of the applicant, for which, the applicant is ready to abide by, in case, he is ordered to be released on bail, during the pendency of the trial.

7. The applicant has earlier tried his luck by moving similar bail application, before the learned Special Judge (CBI), Shimla, however, the same has been dismissed, vide order, dated 18th January, 2025.

8. On the basis of the above facts, a prayer has been made to allow the bail application and release the applicant, on bail, during the pendency of the trial.

9. When put to notice, the CBI has filed the reply, disclosing therein, that the aforementioned FIR has been registered against the applicant on 1st January, 2025, on the basis of a written complaint, moved by one Shri Nitin Chauhan, M/s Chauhan Cable Network, VPO Shillai, District Sirmour, H.P. and verification report of Sub Inspector Dharmender, CBI, ACB Shimla, which disclosed demand of undue advantage of ₹ 1,00,000/- by the applicant.

9.1. It has been mentioned in the complaint that the applicant was demanding undue advantage/bribe of ₹ 20,000/- each, from five cable operators, functioning in the State of H.P. and ₹ 10,000/- from the complainant, asking him to collect the said money from the other five

cable operators also and to hand over the same to him in Delhi, in lieu of which, the applicant had assured that no action would be taken against the complainant and the notices issued to the other five cable operators would also be got settled.

9.2. As per the complaint, the applicant had assured that he would take favourable action and recommendations in respect of Quarterly Monitoring Performance Reports, already submitted or to be submitted, in future, by the complainant and the other five cable operators.

9.3. According to the complainant, the applicant had also threatened the other cable operators for cancellation of licences and asked them to contact the complainant, in this regard. The said cable operators, thereafter, contacted the complainant and asked him to file complaint against the applicant. As such, the complainant filed the present complaint to SP, CBI, ACB, Shimla, for taking necessary action against the applicant.

9.4. It has further been mentioned in the status report that the verification of the said complaint was got

done through SI Dharmender, CBI, ACB Shimla. Since, on the basis of the complaint and the verification report, the offence, punishable under Section 7 of the PC Act, was found to have been committed, by the applicant, as such, a case, vide RC No. 00962025A0001, was registered against the applicant.

9.5. As per the status report, thereafter, a team, under the leadership of Sh. Ravinder Kumar, Inspector of Police, CBI, ACB, Shimla, laid a trap on 2nd January, 2025 and the applicant was caught red handed, while demanding and accepting a sum of ₹ 1,00,000/- from the complainant, near the main gate of NBCC Complex, World Trade Centre, Nauroji Nagar, New Delhi, in the presence of the independent witnesses.

9.6. It has also been mentioned in the status report that during the post trap proceedings, left hand wash, right hand wash and wash of swab taken from the inner left pocket of the coat worn by the applicant, in which, he has kept the amount, received as bribery, were taken and the coat worn by the applicant was also taken into possession, alongwith the recovered bribe money of ₹ 1,00,000/-.

9.7. The other codal formalities were completed and the applicant was produced before the Court of learned Special Judge, Shimla on 3rd January, 2025, from where, he was remanded to police custody and thereafter, he is in judicial custody.

10. On the basis of the above facts, a prayer has been made that the applicant has been caught by the CBI, while accepting the bribe money and in case, he is ordered to be released on bail, he may try to influence the witnesses and may evade the process of law.

11. In addition to this, it has also been argued by Mr. Janesh Mahajan, learned Special Public Prosecutor, appearing on behalf of the CBI, that the applicant has been arrested in a heinous offence, as such, his application for bail may kindly be dismissed.

12. Heard.

13. The applicant, in the present case, is in judicial custody and this fact is sufficient to demonstrate that his custodial interrogation is no longer required by the police. The investigation, in the present case, is almost at the stage of completion. The CBI is not able to make out a

case for custodial interrogation of the applicant, as, admittedly, the applicant is in judicial custody.

14. Even otherwise, rejecting the bail application, of the applicant, would amount to pre-trial punishment, which is prohibited under the law, as, punishment can only be inflicted after a full-fledged trial.

15. The allegations, which have been levelled against the applicant, will be proved during the course of trial and the chances of commencement and conclusion of the trial, against the applicant, in near future, are not so bright.

16. No other case is stated to have been registered against the applicant, except the present one. As such, this Court is of the view that no useful purpose would be served by keeping the applicant in judicial custody, that too, for indefinite period.

17. Considering all these facts, this Court is of the view that the bail application is liable to be allowed and is accordingly allowed.

18. Consequently, the applicant is ordered to be released on bail, in case RC No. 00962025A0001, dated 2nd

January, 2025, registered with Police Station CBI, ACB Shimla, under Section 7 of the PC Act, on his furnishing bail bonds, in the sum of ₹ 2,00,000/-, with one surety of the like amount, to the satisfaction of the learned Special Judge (CBI), Shimla. This order, however, shall be subject to the following conditions:

a) The applicant shall make himself available for the purpose of interrogation, if so required and regularly attend the trial Court on each and every date of hearing and if prevented by any reason to do so, seek exemption from appearance by filing appropriate application;

b) The applicant shall not tamper with the prosecution evidence nor hamper the investigation of the case in any manner whatsoever;

c) The applicant shall not make any inducement, threat or promises to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or the Police Officer; and

d) The applicant shall not leave the territory of India without the prior permission of the Court.

19. Any of the observations, made hereinabove, shall not be taken as an expression of opinion, on the merits of the case, as these observations, are confined, only, to the disposal of the present bail application.

20. It is made clear that the respondent-State is at liberty to move an appropriate application, in case, any of the bail conditions, is found to be violated by the applicant.

21. The Registry is directed to forward a soft copy of the bail order to the Superintendent of Jail, Kaithu, through e-mail, with a direction to enter the date of grant of bail in the e-prison software.

22. In case, the applicant is not released within a period of seven days from the date of grant of bail, the Superintendent of Jail, Kaithu, is directed to inform this fact to the Secretary, DLSA Shimla. The Superintendent of Jail, Kaithu, is further directed that if the applicant fails to furnish the bail bonds, as per the order passed by this Court, within a period of one month from today, then, the said fact be submitted to this Court.

(Virender Singh)
Judge

February 28, 2025
(rajni)

Digitally signed by RAJNI
Date: 2025.02.28 17:34:18 IST