

ITEM NO.52

COURT NO.7

SECTION II

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No(s).2555/2015

(Arising out of impugned final judgment and order dated 19/02/2015  
in BA No. 238/2015 passed by the High Court of Delhi at New Delhi)

SURINDER PAL TYAGI &amp; ORS.

Petitioner(s)

VERSUS

STATE (G.N.C.T. DELHI) &amp; ANR.

Respondent(s)

(with appln. (s) for exemption from filing O.T. and permission to  
file additional documents and permission to place addl. documents  
on record and interim relief and office report)

Date : 22/07/2016 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR

HON'BLE MR. JUSTICE R.K. AGRAWAL

For Petitioner(s) Mr. Kapil Sibal, Sr. Adv.  
Ms. A. Pujari, Adv.  
Ms. Pragya Baghel, AOR  
Ms. Ranjeeta Rohatgi, Adv.  
Ms. Samten Doma, Adv.For Respondent(s) Mr. P.S. Patwalia, ASG  
Mr. R. Balasubramanian, Adv.  
Mr. Ananya Mishra, Adv.  
Mr. Santosh Kumar, Adv.  
Mr. Dhruv Sheoran, Adv.  
Mr. R.K. Rathore, Adv.  
Mr. D. S. Mahra, AORMr. V. Senthil Kumar, Adv.  
Mr. G. Sukumaran, Adv.  
Mr. R. Raghupathy, Adv.  
Mr. Satish Kumar, AOR

UPON hearing the counsel the Court made the following  
O R D E R

We have heard learned counsel for the petitioners and the learned Additional Solicitor General.

The allegations against the petitioners arise out of an FIR lodged on 21<sup>st</sup> March, 2014 under Sections 406/420/120-B of the IPC.

It is stated in the status report handed over to us in Court today by the Investigating Officer of the Economic Offences Wing that two of the petitioners, i.e., Surender Pal Tyagi and Amit Tyagi had appeared for investigations subsequent to the transfer of the case on 24.11.2015 to the Economic Offences Wing on 31.12.2015, 09.02.2016 and 15.06.2016. With regard to the third petitioner, i.e., Anuj Tyagi, it is stated that he has not joined the investigation in the Economic Offences Wing, but from the additional affidavit filed by the respondent on 3<sup>rd</sup> December, 2015, it is stated that Anuj Tyagi had joined investigation on 12<sup>th</sup> September, 2015.

By an order dated 6<sup>th</sup> April, 2015, we had granted anticipatory bail to the petitioners on each of them making a deposit of Rs.25,000/- in cash to the satisfaction of the Trial Court. We had also required the petitioners to participate and cooperate in the investigation, whenever required.

From the status report shown to us, it is clear that two of the petitioners have been participating in the

investigations after it was transferred to the Economic Offences Wing. As far as the third petitioner, i.e, Anuj Tyagi, is concerned, the contention of learned Additional Solicitor General is that he has not been participating in the investigation by the Economic Offences Wing. If that is so, the respondents can take appropriate steps insofar as the third petitioner, i.e., Anuj Tyagi, is concerned.

Be that as it may, in our opinion, since there has been participation by the petitioners in the investigations at one stage or the other and the matter pertains to an offence of forgery under Sections 406/420/120B IPC, it may not be appropriate to deny anticipatory bail to the petitioners, particularly since the matter has been under investigation for the last more than two years.

Accordingly, the petitioners, if arrested, may be released on bail subject to the deposit of an amount of Rs.2,75,000/- (Rupees two lakhs seventy-five thousand only) each in addition to Rs.25,000/- already deposited by each of the petitioners with the Trial Court.

Needless to say, the petitioners will cooperate in the investigations.

In the event the petitioners do not cooperate or do not put in appearance when summoned by the Investigating Officer, the Investigating Officer may move the Trial

Court for appropriate orders including cancellation of the anticipatory bail granted by this Court.

The special leave petition is disposed of.

(SANJAY KUMAR-I)  
AR-CUM-PS

(JASWINDER KAUR)  
COURT MASTER