

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12715 of 2020

Applicant :- Ranveer Singh @ Ranbir Singh

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- S.M.Faraz I. Kazmi, Anoop Trivedi (Senior Adv.)

Counsel for Opposite Party :- G.A., Gyan Prakash (Senior Adv.), Sanjay Kumar Yadav

Hon'ble Suneet Kumar, J.

Heard Shri Anoop Trivedi, learned Senior Counsel assisted by Shri Atul Gularia, Shri S.M. Faraz and Shri I. Kazmi, learned counsels for the applicant, Shri Gyan Prakash, learned A.S.G.I. assisted by Shri Sanjay Kumar Yadav, learned counsel for the C.B.I. and learned A.G.A. appearing for the State and perused the record.

This is the second bail application. First bail application of the applicant was rejected vide order dated 6 March 2020 along with connect matter.

Applicant was enlarged on interim bail by the Jailer of District Jail, Ghaziabad on 28 April 2020 passed pursuant to orders passed by the Bench of Hon'ble the Chief Justice in Public Interest Litigation No. 564 of 2020. The interim bail granted pursuant thereof has been extended from time to time. It is informed that the interim bail granted to the accused persons has been extended until 1 December 2020 due to the pandemic. On being enlarged on interim bail, the applicant filed regular bail application under Section 439 Cr.P.C. which came to be rejected by the coordinate Bench of this Court. The instant bail application has been placed before this Bench on nomination by the Hon'ble the Chief Justice.

Learned Senior Counsel appearing for the applicant submits that changed circumstances for moving the instant bail application is that during trial the prosecution witnesses of the C.B.I. have been examined, in particular P.W.-3 Amrendra Pratap Singh. P.W.-3 deposed that he is the Manager of Hotel Kapoor Inn, Delhi, since 1995, in the month of January-February 2019, the C.B.I. raided the hotel and arrested the applicant. It is further stated that C.B.I. has also recorded his statement. It is in the backdrop of the statement of P.W.-3, it is urged that the case of the C.B.I. arresting the applicant at Ghaziabad in a trap case, stands demolished by their own witness. As per the trap memo, the applicant was trapped in the early hours on 2 February 2019. After completion of the trap proceeding, applicant was requested to appear for interrogation at the office of C.B.I. at Delhi. After interrogation, the applicant came to be arrested at 22:30 hours as per the assertions made by C.B.I. in the counter affidavit filed in the first bail application. It is urged that the applicant is innocent and has been falsely implicated in the instant case; hence the applicant is entitled to be enlarged on bail; applicant having no other reported criminal antecedent.

Shri Gyan Prakash, learned A.S.G.I. in rebuttal submits that the statement of P.W.-3 cannot be relied upon; P.W.-3 was summoned only to verify the hotel guest register; he further submits that P.W.-3 could not tell the exact date of C.B.I. raid.

Learned A.S.G.I. has opposed the prayer for bail but could not dispute the aforesaid facts as argued by the learned counsel for the applicant.

Without expressing any opinion on the merits of the case and considering the nature of accusation and the severity of punishment in case of conviction and the nature of supporting evidence, reasonable apprehension of tampering of the witnesses and prima facie satisfaction of the Court in support of the charge, the applicant is entitled to be released on bail in this case.

Let the applicant- **Ranveer Singh @ Ranbir Singh** involved in 120B I.P.C. and Section 7, 7A & 8 of the Prevention of Corruption Act, 1988, Police Station C.B.I./ACU-VI/ New Delhi be released on bail on his furnishing a personal bond of Rs. One lac with two sureties (one should be of his family members) each in the like amount to the satisfaction of the court concerned with the following conditions:-

(i) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in court. In case of default of this condition, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law.

(ii) The applicant shall remain present before the trial court on each date fixed, either personally or through his counsel. In case of his absence, without sufficient cause, the trial court may proceed against him under Section 229-A of the Indian Penal Code.

(iii) In case, the applicant misuses the liberty of bail during trial and in order to secure his presence proclamation under Section 82 Cr.P.C. is issued and the applicant fails to appear before the court on the date fixed in such proclamation, then, the trial court shall initiate proceedings against him, in accordance with law, under Section 174-A of the Indian Penal Code.

(iv.) In case the applicant has been enlarged on short term bail as per the order of committee constituted under the orders of Hon'ble Supreme Court/High Court, his bail shall be effective after the period of short term bail comes to an end.

(v) The applicant shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 313 Cr.P.C. If in the opinion of the trial court absence of the applicant is deliberate or without sufficient cause, then it shall be open for the trial court to treat such default as abuse of liberty of bail and proceed against him in accordance with law.

(vi) The party shall file computer generated copy of such order downloaded from the official website of High Court Allahabad.

(vii) The computer generated copy of such order shall be self attested by the counsel of the party concerned.

(viii) The concerned Court/Authority/Official shall verify the authenticity of such computerized copy of the order from the official website of High Court Allahabad and shall make a declaration of such verification in

writing.

In view of the extraordinary situation prevailing in the State due to Covid-19, the directions of this Court dated 6.4.2020 passed in Public Interest Litigation No. 564 of 2020 (In re vs. State of U.P.), shall also be complied.

The order reads thus:

"Looking to impediments in arranging sureties because of lockdown, while invoking powers under Article 226 and 227 of the Constitution of India, we deem it appropriate to order that all the accused-applicants whose bail applications came to be allowed on or after 15th March, 2020 but have not been released due to non-availability of sureties as a consequence to lockdown may be released on executing personal bond as ordered by the Court or to the satisfaction of the jail authorities where such accused is imprisoned, provided the accused-applicants undertakes to furnish required sureties within a period of one month from the date of his/her actual release."

Order Date :- 21.10.2020

S.Prakash