

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

Case : Bail App No 49/2025
CrIM No. 318/2025
c/w
Bail App No. 50/2025
CrLM No. 321/2025

Reserved on: 12.03.2025
Pronounced on: 25.03.2025

Rajesh Kumar Jain
Son of Shri Jayanti Prasad Jain
R/o H.No.252 Extension 1
Near Police Chowki Shalimar Garden,
Sahibabad, Gaziabad Uttar Pradesh

Presently lodged in District Jail,
Amphalla, Jammu
Through brother
Sunil Kumar Jain,
Son of Shri Jayanti Prasad Jain
R/o 74/A MIG Flat, Shivam Enclave
Delhi 110032.

...Petitioner(s)

Through: Mr. Sunil Sethi, Sr. Advocate with
Mr. Mohsin Bhat, Advocate in Bail App No. 49/2025
Mr. Pranav Kohli, Sr. Advocate with
Mr. Aftab Malik, Advocate and
Mr. Ananya Gupta, Advocate in Bail App No. 50/2025

VERSUS

1. Central Bureau of Investigation
Through Superintendent of Police,
CBI/AC-II, New Delhi.

2. Superintendent of Police,
Central Bureau of Investigation,
Rail Head Complex,
Jammu.

3. Superintendent,
District Jail, Amphalla,
Jammu

...Respondent(s)

Through: Ms. Monika Kohli, Sr. AAG

CORAM:

HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE.

ORDER

1. The petitioners have, through the medium of afore titled two applications, invoked the jurisdiction of this Court under Section 483 of the Bharatiya

Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as '***BNSS***) for grant of bail in FIR No. RC 217025A0003 dated 08.02.2025 for commission of offences under Sections 61(2) of the BNS, 2023 read with Sections 7, 7A, 8 and 9 of the Prevention of Corruption Act, 1988.

2. It appears that the petitioners had moved bail applications before the learned Special Judge Anti-Corruption (CBI Cases), Jammu which came to be dismissed by the said Court by a common order passed on 25.02.2025, on the ground that the same are pre-mature inasmuch as, the grant of bail to the petitioners would hamper the investigation. After passing of the aforesaid order by the learned Special Judge, the petitioners have moved the present applications.

3. As per the prosecution case, an information was received by the CBI, ACB Camp, Jammu that petitioner-Sumit Khajuria who is working as Chief Engineer with Konkan Railway Corporation Limited in connivance with petitioner-Rajesh Kumar Jain, Pushp Raj Jain and Sulabh Rawat all Directors of M/s Paras Railtech Pvt. Ltd. indulged in corrupt activities to obtain bribe money in lieu of favouring the aforesaid company for clearance of pending bills and revising the estimates relating to removal of tunnel muck in execution of work order related to Katra-Dharam Section of the Udhampur-Srinagar-Baramulla Rail Link (USBRL) Project that was being supervised by Konkan Railway Corporation Limited (KRCL).

4. It was further disclosed that on 30.01.2025 petitioner-Rajesh Kumar Jain informed petitioner-Sumit Khajuria that representatives of M/S Paras Railtech Private Limited had submitted a bill in his office and that a subordinate officer of petitioner- Sumit Khajuria had made some adverse changes/remarks regarding the said bill. It was alleged that petitioner-Rajesh Kumar Jain urged

petitioner- Sumit Khajuria to intervene favourably. On this, petitioner-Sumit Khajuria is stated to have assured petitioner-Rajesh Kumar Jain that he would fulfil his commitments and will do the needful in favour of M/S Paras Railtech Private Limited and he asked petitioner-Rajesh Kumar Jain to meet him in his Camp Office at Jammu. According to the information, petitioner-Rajesh Kumar Jain in furtherance of his commitment proceeded to meet petitioner- Sumit Khajuria the Chief Engineer on 08.02.2025 for delivering to him an amount of ₹10.00 lac (approx.) as illegal gratification.

5. On the basis of the aforesaid information, respondent No. 1 registered the aforesaid FIR and proceeded to conduct investigation of the case. Accordingly, a team of officers of respondent No. 1 along with independent witnesses proceeded to the house of petitioner-Sumit Khajuria which bears H. No. 541, Sector –A, Gandhi Nagar, Jammu and on 08.02.2025 the petitioners were apprehended while delivering and accepting bribe amount of ₹ 9,42,500/-. It is the case of the prosecution that aforesaid bribe amount was recovered from the possession of the petitioner-Sumit Khajuria and apart from this a further sum of ₹ 73.11 lac was also recovered from his residential premises, which according to the prosecution, was collected by him from various contractors of Railways including petitioner-Rajesh Kumar Jain as illegal gratification. The trap and recovery proceedings were undertaken by the investigating agency in presence of independent witnesses. Formal arrest of petitioners was made on 19.02.2025 and presently they are stated to be in judicial custody.

6. The petitioner-Sumit Khajuria has sought bail on the grounds that he is a decorated officer having unblemished service career with no criminal antecedents. It has been contended that there are no allegations against the said petitioner to the effect that he had made demand of any illegal gratification from

any person and that the allegations made by the prosecution against him are absolutely baseless and frivolous. It has been contended that investigation of the case is complete and the petitioner is presently in judicial custody, as such, there is no requirement of his further incarceration. According to the petitioners, in view of the law laid down by the Supreme Court in case *Arnesh Kumar vs. State of Bihar and another*, 2014 (8) SCC 2734 and *Satender Kumar Antil vs. Central Bureau of Investigation and another*, 2021 (10) SCC 773 bail being the rule and jail being the exception, the petitioner is entitled to concession of bail at this stage.

7. The petitioner-Rajesh Kumar Jain has sought bail on the grounds that he been booked for offences under Section 8 of the Prevention of Corruption, Act which is punishable with imprisonment upto 7 years or fine, meaning thereby that gravity of the offence alleged to have been committed by the said petitioner is of a lesser degree than the seriousness of the offence alleged to have been committed by co-accused petitioner-Sumit Khajuria. It has been contended that the case of the petitioner- Rajesh Kumar Jain deserves to be considered on a different footing inasmuch as, the said petitioner stands booked for giving bribe whereas the petitioner-Sumit Khajuria has been booked for the offence of accepting illegal gratification which is a more serious offence. According to the said petitioner, learned Special Judge while rejecting the bail application of the petitioner has fallen into error by treating the cases of both the accused on the same pedestal. It has been contended that as per the averments made by respondent No. 1 in its reply both the accused were apprehended on 08.02.2025, but as per the arrest memo they were arrested on 09.02.2025. This according to the petitioners renders the case of respondent No. 1, highly suspicious.

8. Respondent No. 1-Investigating Agency in its reply besides reiterating the allegations made against the petitioners in the FIR, contended that the petitioners are involved in serious economic offences, as such, they cannot be enlarged on bail at a stage when the investigation of the case has reached a crucial stage. It has been contended that there has been no change of circumstances from the date the applications of the petitioners were rejected by the learned Special Judge till the date of filing of the present applications. According to respondent No. 1 it is not open to the petitioners to maintain successive bail applications without there being any change in the circumstances. It has also been contended that more than ₹ 73.00 lac were recovered during the search of the residential premises of petitioner- Sumit Khajuria during the investigation of the case and source of said huge quantity of cash is still under investigation. It is being contended that if the petitioners are enlarged on bail at this stage it would hamper the investigation.

9. I have heard learned counsel for the parties and perused record of the case including the Case Diary.

10. The instant bail applications have been made by the petitioner under the provisions contained under Section 483 of BNSS which is in para-materia with the provisions contained in Section 439 of the Cr.P.C. The amplitude of power to grant bail under Section 439 of the Cr.P.C is wide, however wider the power and discretion more the need for its judicious and non-arbitrary exercise.

11. In *Mahipal Vs. Rajesh Kuamr and others*, 2020 (2) SCC 118, the Supreme Court has, while discussing the amplitude of power under Section 439 of the Cr.P.C observed as under:-

“12.The determination of whether a case is fit for the grant of bail involves the balancing of numerous factors, among which the nature of the offence, the severity of the punishment and a prima facie view of the involvement of the accused are

important. No straight jacket formula exists for courts to assess an application for the grant or rejection of bail. At the stage of assessing whether a case is fit for the grant of bail, the court is not required to enter into a detailed analysis of the evidence on record to establish beyond reasonable doubt the commission of the crime by the accused. That is a matter for trial. However, the Court is required to examine whether there is a prima facie or reasonable ground to believe that the accused had committed the offence and on a balance of the considerations involved, the continued custody of the accused sub-serves the purpose of the criminal justice system. Where bail has been granted by a lower court, an appellate court must be slow to interfere and ought to be guided by the principles set out for the exercise of the power to set aside bail.

XXXXXXXXXXXX

14. The provision for an accused to be released on bail touches upon the liberty of an individual. It is for this reason that this Court does not ordinarily interfere with an order of the High Court granting bail. However, where the discretion of the High Court to grant bail has been exercised without the due application of mind or in contravention of the directions of this Court, such an order granting bail is liable to be set aside. The Court is required to factor, amongst other things, a prima facie view that the accused had committed the offence, the nature and gravity of the offence and the likelihood of the accused obstructing the proceedings of the trial in any manner or evading the course of justice. The provision for being released on bail draws an appropriate balance between public interest in the administration of justice and the protection of individual liberty pending adjudication of the case. However, the grant of bail is to be secured within the bounds of the law and in compliance with the conditions laid down by this Court. It is for this reason that a court must balance numerous factors that guide the exercise of the discretionary power to grant bail on a case by case basis. Inherent in this determination is whether, on an analysis of the record, it appears that there is a prima facie or reasonable cause to believe that the accused had committed the crime. It is not relevant at this stage for the court to examine in detail the evidence on record to come to a conclusive finding. The decision of this Court in *Prasanta* has been consistently followed by this Court in *Ash Mohammad v Shiv Raj Singh*,⁷ *Ranjit Singh v State of Madhya Pradesh*,⁸ *Neeru Yadav v State of U.P.*⁹, *Virupakshappa Gouda v State of Karnataka*¹⁰, and *State of Orissa v Mahimananda Mishra*.”

12. In the light of afore quoted observations of the Supreme Court, the factors required to be considered for deciding an application of bail can be restated as under:-

- (i) whether there is any prima facie or reasonable ground to believe that the accused had committed the offence;
- (ii) nature and gravity of the accusation;
- (iii) severity of the punishment in the event of conviction;
- (iv) danger of the accused absconding or fleeing, if released on bail;

- (v) character, behaviour, means, position and standing of the accused;**
- (vi) likelihood of the offence being repeated;**
- (vii) reasonable apprehension of the witnesses being influenced; and**
- (viii) danger of justice being thwarted by grant of bail.**
- (ix) the public interest**

13. In the light of the aforesaid principles and guidelines holding the field on the question of grant or refusal of bail, let us now advert to the facts of the instant case. As already noted before considering the grant or refusal of bail, prima merit of prosecution case is always required to be considered. In the event of there being some doubt as to the genuineness of the prosecution case, in the normal course of events accused is entitled to bail.

14. In the instant case, it is being alleged that the petitioners had entered into a criminal conspiracy in furtherance whereof petitioner-Rajesh Kumar Jain requested petitioner-Sumit Khajuria, Chief Engineer of Konkan Railway Corporation Limited to clear his pending bills and to revise the estimate relating to removal of Tunnel muck in execution of the work order relating to Katra-Dharam Section of (USBRL) Project and petitioner-Sumit Khajuria assured the co-accused that he would fulfil his commitment and do the needful. He thereafter called petitioner- Rajesh Kumar Jain to his office at Jammu and petitioner- Rajesh Kumar Jain upon demand made by him, delivered an amount of ₹ 9,42,500/- as illegal gratification to petitioner-Sumit Khajuria. This entire scene was witnessed by the sleuths of CBI in presence of the independent witnesses and the amount was recovered from the possession of the petitioner -Sumit Khajuria. Besides this during the search operation of house of petitioner-Sumit Khajuria an amount of ₹ 73.11 lac was also recovered. Entire proceedings is well documented in the Case Diary and the statements of the

witnesses recorded under Section 161 Cr.P.C during the investigation of the case confirm these events.

15. Case Diary further reveals that the investigating agency has collected Call Data Records of all the key players including the petitioners and these Call Data Records reveal that the petitioners were in touch with each other during the relevant period. The investigating agency has also collected voice samples of the petitioners and recorded telephone calls between the petitioners *inter se* and other players involved in the scenario. The voice samples along with the tape recorded calls have been sent to CFSL for analysis. There is overwhelming material on record of the Case Diary which points towards the involvement of the petitioners in the alleged crime. Thus, by no stretch of reasoning it can be stated that the case against the petitioners is frivolous or based on no material.

16. So far as the contention of the petitioners that there is a contradiction in the prosecution case so far as it relates to date of arrest of the petitioners is concerned, the same is without any substance. In this regard a perusal of the Case Diary reveals that the trap proceedings commenced in the evening hours of 08.02.2025 and the same continued up to the early morning hours of 09.02.2025. It is for this reason that formal arrest of the petitioners has been shown as 09.02.2025 after the trap proceedings were over.

17. Much emphasis has been laid by learned Senior counsels appearing for the petitioner- Rajesh Kumar Jain on the aspect of severity of punishment which is prescribed for offence, for which the said petitioner has been booked. According to the learned counsels offenses under Section 7 and 8 of the Prevention of Corruption Act, carry maximum punishment of 7 years imprisonment whereas offence under Section 8 of the said Act prescribes no maximum limit of punishment. Learned Senior counsels for the petitioners

relying upon the ratio laid down by the Supreme Court in *Arnesh Kumar case* (supra) and *Satender Kumar's case* (supra) contended that in cases where punishment of imprisonment extends upto 7 years the investigating agency cannot arrest an accused unnecessarily. It has been further contended that in *Satender Kumar's case* (supra), it has been observed that economic offences are not completely taken out of the guidelines issued in the said judgment.

18. It is true that severity of punishment that an offence carries is one of the important factors to be considered while granting or refusing bail to an accused, but, the said factor is not the only consideration to be taken into account while dealing with bail application of an accused. Nature and gravity of the charges is an equally important factor which needs to be taken into account by a Court while considering plea for bail of an accused.

19. In the instant case, the petitioners have been booked for offences under the provisions of Prevention of Corruption Act, and there is an allegation that they have entered into a conspiracy in furtherance whereof petitioner-Sumit Khajuria demanded and petitioner-Rajesh Kumar Jain paid illegal gratification to the former who accepted the same. Thus, petitioner- Rajesh Kumar Jain is alleged to be a part of the conspiracy and, as such, his case cannot be differentiated from the case of petitioner-Sumit Khajuria. The nature and gravity of charge against the petitioners is of an enormous magnitude. They are alleged to be involved in corruption and it is not an ordinary corruption case where a few thousand rupees have been offered and accepted in furtherance of an transaction, but it is a case where as many as ₹ 9,42,500/- were offered by the petitioner-Rajesh Kumar Jain to petitioner-Sumit Khajuria who accepted the same in lieu of favouring the company of which petitioner-Rajesh Kumar Jain happens to be a Director. Not only this, an amount of ₹ 73.11 lac in cash has also

been recovered from the residence of petitioner-Sumit Khajuria and the source of the said amount is still being ascertained by the investigating agency.

20. Having regard to the magnitude of the corruption in which the petitioners are alleged to be involved, it can safely be stated that charge against petitioners falls under a different league. The Supreme Court in the case of *Y.S. Jagan Mohan Reddy Vs. Central Bureau of Investigation*, 2013 (7) SCC 439 has, while holding that economic offence constitute a class apart observed that this aspect of the matter needs to be kept in mind while considering the bail application in such cases. In this regard it would be apt to quote the observations of the Supreme Court made in paras (34) and (35) of the said judgment, which are reproduced as under:-

34. Economic offences constitute a class apart and need to be visited with a different approach in the matter of bail. The economic offence having deep rooted conspiracies and involving huge loss of public funds needs to be viewed seriously and considered as grave offences affecting the economy of the country as a whole and thereby posing serious threat to the financial health of the country.

35. While granting bail, the court has to keep in mind the nature of accusations, the nature of evidence in support thereof, the severity of the punishment which conviction will entail, the character of the accused, circumstances which are peculiar to the accused, reasonable possibility of securing the presence of the accused at the trial, reasonable apprehension of the witnesses being tampered with, the larger interests of the public/State and other similar considerations.

21. Recently the Supreme Court in the case of *Devinder Kumar Bansal vs. State of Punjab*, 2025 SCC Online SC 488, while observing that presumption of innocence itself cannot be a consideration for grant of bail, emphasized that Court has to balance the cause of the accused and the cause of public justice and that over solicitous homage to accused's liberty can sometimes defeat the cause of public justice. In the said case, the Supreme Court was dealing with the issue relating to grant of bail in a corruption case. In the context of the instant case, it

would apt to refer to the following observations of the Supreme Court made in the aforesaid judgment:-

“24.If liberty is to be denied to an accused to ensure corruption free society, then the courts should not hesitate in denying such liberty. Where overwhelming considerations in the nature aforesaid require denial of anticipatory bail, it has to be denied. It is altogether a different thing to say that once the investigation is over and charge-sheet is filed, the court may consider to grant regular bail to a public servant - accused of indulging in corruption.

25. Avarice is a common frailty of mankind and Robert Walpole's famous pronouncement that all men have their price, notwithstanding the unsavoury cynicism that it suggests, is not very far from truth. As far back as more than two centuries ago, it was Burke who cautioned: “Among a people generally corrupt, liberty cannot last long”. In more recent years, Romain Rolland lamented that France fell because there was corruption without indignation. Corruption has, in it, very dangerous potentialities. Corruption, a word of wide connotation has, in respect of almost all the spheres of our day to day life, all the world over, the limited meaning of allowing decisions and actions to be influenced not by the rights or wrongs of a case but by the prospects of monetary gains or other selfish considerations.

26. If even a fraction of what was the vox pupuli about the magnitude of corruption to be true, then it would not be far removed from the truth, that it is the rampant corruption indulged in with impunity by highly placed persons that has led to economic unrest in this country. If one is asked to name one sole factor that effectively arrested the progress of our society to prosperity, undeniably it is corruption. If the society in a developing country faces a menace greater than even the one from the hired assassins to its law and order, then that is from the corrupt elements at the higher echelons of the Government and of the political parties.

27. In Manoj Narula v. Union of India, (2014) 9 SCC 1, this Court held that corruption erodes the fundamental tenets of the rule of law and quoted with approval its judgment in Niranjana Hemchandra Sashittal v. State of Maharashtra, (2013) 4 SCC 642 & held as under:— “16.....‘26. It can be stated without any fear of contradiction that corruption is not to be judged by degree, for corruption mothers disorder, destroys societal will to progress, accelerates undeserved ambitions, kills the conscience, jettisons the glory of the institutions, paralyses the economic health of a country, corrodes the sense of civility and mars the marrows of governance.” (Emphasis supplied)

28. In Subramanian Swamy v. Manmohan Singh, (2012) 3 SCC 64, this Court held as under:— “68. Today, corruption in our country not only poses a grave danger to the concept of constitutional governance, it also threatens the very foundation of Indian democracy and the Rule of Law. The magnitude of corruption in our public life is incompatible with the concept of a

socialist, secular democratic republic. It cannot be disputed that where corruption begins all rights end. Corruption devalues human rights, chokes development and undermines justice, liberty, equality, fraternity which are the core values in our preambular vision. Therefore, the duty of the Court is that any anti-corruption law has to be interpreted and worked out in such a fashion as to strengthen the fight against corruption....” (Emphasis supplied)

29. In *K.C. Sareen v. C.B.I., Chandigarh*, (2001) 6 SCC 584, this Court observed thus:— “12. Corruption by public servants has now reached a monstrous dimension in India. Its tentacles have started grappling even the institutions created for the protection of the republic. Unless those tentacles are intercepted and impeded from gripping the normal and orderly functioning of the public offices, through strong legislative, executive as well as judicial exercises the corrupt public servants could even paralyse the functioning of such institutions and thereby hinder the democratic polity....” (Emphasis supplied)

30. While approving the judgment of *Subramanian Swamy v. Director, Central Bureau of Investigation*, (2014) 8 SCC 682, rendered by another Constitution Bench in *Manoj Narula's case*, a Constitution Bench of this Court, dealing with rampant corruption, observed as under:— “17 Recently, in *Subramanian Swamy v. CBI* (2014) 8 SCC 682, the Constitution Bench, speaking through R.M. Lodha, C.J., while declaring Section 6-A of the Delhi Special Police Establishment Act, 1946, which was inserted by Act 45 of 2003, as unconstitutional, has opined that : (SCC pp. 725-26, para 59) “59. It seems to us that classification which is made in Section 6-A on the basis of status in the government service is not permissible under Article 14 as it defeats the purpose of finding prima facie truth into the allegations of graft, which amount to an offence under the PC Act, 1988. Can there be sound differentiation between corrupt public servants based on their status? Surely not, because irrespective of their status or position, corrupt public servants are corrupters of public power. The corrupt public servants, whether high or low, are birds of the same feather and must be confronted with the process of investigation and inquiry equally. Based on the position or status in service, no distinction can be made between public servants against whom there are allegations amounting to an offence under the PC Act, 1988.” And thereafter, the larger Bench further said : (SCC p. 726, para 60) “60. Corruption is an enemy of the nation and tracking down corrupt public servants and punishing such persons is a necessary mandate of the PC Act, 1988. It is difficult to justify the classification which has been made in Section 6-A because the goal of law in the PC Act 1988 is to meet corruption cases with a very strong hand and all public servants are warned through such a legislative measure that corrupt public servants have to face very serious consequences.” And again : (SCC pp. 730-31, paras 71-72) “71. Office of public power cannot be the workshop of personal gain. The probity in public life is of great importance. How can two public servants against whom there are allegations of corruption of graft or bribe- taking or criminal misconduct under the PC Act, 1988 can be made to be treated differently because one happens to be a junior officer and the other, a senior decision maker.

72. Corruption is an enemy of nation and tracking down corrupt public servant, howsoever high he may be, and punishing such person is a necessary mandate under the PC Act, 1988. The status or position of public servant does not qualify such public servant from exemption from equal treatment. The decision-making power does not segregate corrupt officers into two classes as they are common crime-doers and have to be tracked down by the same process of inquiry and investigation.”

18. From the aforesaid authorities, it is clear as noonday that corruption has the potentiality to destroy many a progressive aspect and it has acted as the formidable enemy of the nation.”
(Emphasis supplied)

31. In Neera Yadav v. Central Bureau of Investigation, (2017) 8 SCC 757, this Court observed thus:

“59. Every country feels a constant longing for good governance, righteous use of power and transparency in administration. Corruption is no longer a moral issue as it is linked with the search of wholesome governance and the society's need for re-assurance that the system functions fairly, free from corruption and nepotism. Corruption has spread its tentacles almost on all the key areas of the State and it is an impediment to the growth of investment and development of the country. If the conduct of administrative authorities is righteous and duties are performed in good faith with the vigilance and awareness that they are public trustees of people's rights, the issue of lack of accountability would themselves fade into insignificance.

60. To state the ubiquity of corruption, we may refer to the oft-quoted words of Kautilya, which reads as under:— “Just as it is impossible not to taste the honey or the poison that finds itself at the tip of the tongue, so it is impossible for a government servant not to eat up, at least, a bit of the king's revenue. Just as fish moving under water cannot possibly be found out either as drinking or not drinking water, so government servants employed in the government work cannot be found out (while) taking money for themselves).

It is possible to mark the movements of birds flying high up in the sky; but not so is it possible to ascertain the movement of government servants of hidden purpose.” [Ref: Kautilya's Arthasastra by R. Shamasastri, Second Edition, Page 77] As pointed out by Paul H. Douglas in his book on “Ethics of Government”, “corruption was rife in British public life till a hundred years ago and in USA till the beginning of this century. Nor can it be claimed that it has been altogether eliminated anywhere.” (Ref : Santhanam Committee Report, 1962 : Para 2.3).

61. Tackling corruption is going to be a priority task for the Government. The Government has been making constant efforts to deal with the problem of corruption. However, the constant legislative reforms and strict judicial actions have still not been able to completely uproot the deeply rooted evil of corruption. This is the area where the Government needs to be seen taking unrelenting, stern and uncompromising steps. Leaders should think of introducing good and effective leadership at the helm of affairs; only then benefits of liberalization and various

programmes, welfare schemes and programmes would reach the masses. Lack of awareness and supine attitude of the public has all along been found to be to the advantage of the corrupt. Due to the uncontrolled spread of consumerism and fall in moral values, corruption has taken deep roots in the society. What is needed is a reawakening and recommitment to the basic values of tradition rooted in ancient and external wisdom. Unless people rise against bribery and corruption, society can never be rid of this disease. The people can collectively put off this evil by resisting corruption by any person, howsoever high he or she may be.”

22. In the face of the aforesaid observations of the Supreme Court, it is clear that while considering grant or refusal of bail in a corruption case of huge magnitude, a different approach has to be adopted and the mere fact that the offence for which an accused is booked does not carry imprisonment for life or sentence of death does not by itself become a ground for grant of bail to the accused in such cases.

23. In the present case, as already stated a huge amount of cash has been recovered from the residence of the petitioner -Sumit Khajuria who has been found to be acting in conspiracy with petitioner-Rajesh Kumar Jain. The investigation, as is clear from a perusal of the Case Diary, is at a crucial stage as the investigating agency is yet to ascertain the source of huge amount that has been recovered from the residence of petitioner-Sumit Khajuria. As per the prosecution case there is a strong suspicion that petitioner- Rajesh Kumar Jain has indulged in illegal transactions with petitioner-Sunit Khajuria in previous past as well. All these facts need to be verified during the investigation of the case, which to my mind has not progressed much after the dismissal of bail applications of the petitioners by the learned Special Judge. Thus, situation as on date is that investigation of the case is not complete. Grant of bail to the petitioners, at this stage is, therefore, likely to impact the investigation of the case particularly because Petitioner- Sumit Khajuria is a high ranking officer of the level of Chief Engineer and, as such, has the capacity to influence the

witnesses and to tamper with the evidence. Similarly, petitioner-Rajesh Kumar Jain is holding the position of Director in his Company and, as such, he has the resources and potential to influence the further investigation of the case. Thus, grant of bail to the petitioners at this stage is likely to thwart the course of justice.

24. It is true that this Court being a superior Court has jurisdiction to entertain the bail applications of petitioners even without any change of circumstances after the dismissal of the earlier bail applications by the learned Special Judge. However, in the present case the petitioners have not waited even for a week to approach this Court after dismissal of their applications by the learned Special Judge. Their bail applications were dismissed by the learned Special Judge on 25.02.2025 and present bail applications have been moved on 27.02.2025 i.e., within two days without there being an iota of change in the circumstances. On this ground also the bail applications of the petitioners do not deserve to be allowed.

25. For the foregoing reasons, both the applications filed by the petitioners are found to be without any merit at this stage and are dismissed, accordingly. The petitioners shall be, however be at liberty to file fresh bail applications before the learned Special Judge after the filing of the charge-sheet.

26s. Case Diary be returned to the respondents, through Ms. Monika Kohli, learned Sr. AAG.

(Sanjay Dhar)
Judge

JAMMU
25.03.2025
Bir

Whether order is reportable: Yes/No