



2025:DHC:3534



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% **Date of decision: 09.05.2025**

+ **BAIL APPLN. 1705/2025, CRL.M.A. 13567/2025**

ARUN KUMAR JINDAL

.....Petitioner

Through: Ms. Nandita Rao, Senior Advocate with Mr. Sheezan Hashmi, Mr. Akshat Kumar, Mr. Sirhaan Seth, Mr. Surya Pratap Singh, Mr. Adesh Kumar Choudhary, Mr. Shubham Raj Anand and Mr. Amit Peswani, Advs.

versus

CENTRAL BUREAU OF INVESTIGATIONRespondent

Through: Mr. Ravi Sharma, SPP with Mr. Swapnil Choudhary, Mr. Ishann Bhardwaj & Mr. Shivam Prasad, Advs.

CORAM:

HON'BLE MS. JUSTICE SHALINDER KAUR

SHALINDER KAUR, J (ORAL)

1. By way of the present petition under Section 482 of the Bharatiya Nagarik Surakhsha Sanhita, 2023 (BNSS) the petitioner seeks the grant of Anticipatory Bail in FIR No. RC-216-2025-A-0005 dated 06.04.2025 for offences under Section 61(2) of Bharatiya Nyaya Sanhita, 2023 (BNS) & Sections 7, 8, 9, 10 & 12 of Prevention of



2025:DHC:3534



Corruption Act, 1988 (PC Act) registered at Police Station CBI, AC-1, New Delhi (subject FIR).

2. The factual matrix, as emerging from the record, is that the petitioner is a public servant, who joined Government Service in the year 1995 and is presently serving as Senior Section Engineer (Tender Section) [SSE] with the Northern Railways, New Delhi.

3. It is the case of the prosecution that Saket Chand Srivastava, Senior Divisional Electrical Engineer (General) [Sr. DEE], Arun Jindal, SSE (In-charge, Tender Section), Electrical-G Branch (petitioner herein), and Tapendra Singh Gurjar, Senior Section Engineer, Electrical-G Branch, were engaged in corrupt and unlawful practices in the matter of issuance of work orders and clearance of bills pertaining to private contractors, *in lieu* of illegal gratification.

4. The prosecution has alleged that Saket Chand Srivastava, Sr. DEE, amassed approximately Rs. 1.2 crores as bribe money from various railway contractors, and that the said amount was subsequently converted into gold from Rama Krishna Jewelers, Lajpat Nagar, with the assistance of one Saket Kumar, Director, M/s Shivmani Enterprises Pvt. Ltd., and the petitioner.

5. It is also alleged that the petitioner was actively involved in the collection of bribes from various railway contractors, both for himself and on behalf of Saket Chand Srivastava, Sr. DEE, in exchange for awarding work orders and facilitating clearance of bills.

6. On 06.04.2025, acting upon an information received from a source, the Central Bureau of Investigation (CBI) that Saket Chand



2025:DHC:3534



Srivastava, Tapendra Singh Gurjar, and Gautam Chawla, would be meeting at Sandoz Restaurant, Connaught Place, New Delhi for a bribe transaction linked to railway supply contracts awarded to M/s Vatsal Infotech Pvt. Ltd., represented by Gautam Chawla. The CBI monitored the individuals, when Gautam Chawla was observed handing over a sum of Rs. 7 lakhs in cash to Saket Chand Srivastava and Tapendra Singh Gurjar. Upon witnessing the exchange of money, the CBI team moved in promptly and apprehended all three individuals at the scene.

7. Pursuant thereto, between 2:30 PM on 06.04.2025 and 2:15 AM on 07.04.2025, a search was conducted by the respondent at the premises of the petitioner, during which, *inter alia*, cash amounting to Rs. 7,85,000 and gold worth Rs. 43.06 lacs was seized.

8. Apprehending that he would be arrested in connection with the subject FIR, the petitioner, on 15.04.2025, preferred an Anticipatory Bail Application before the learned Special Judge (PC Act) (CBI), Rouse Avenue Courts, Delhi. However, on 25.04.2025, the learned Special Judge dismissed the said Application, thus, leading to the filing of the present application before this Court, seeking grant of pre-arrest bail in the subject FIR.

9. Ms. Nandita Rao, the learned Senior Counsel for the petitioner submits that the petitioner is a public servant who has deep roots in society. He enjoys an unblemished service of 29 years and has never been involved in any criminal activity/case.



2025:DHC:3534



10. She submits that the basic requirement of conducting an investigation under the law has not been fulfilled by the CBI as, till date, the petitioner has not been served with any notice under Section 35(3) (erstwhile Section 41A CrPC) of the BNSS by the respondents. However, the children of the petitioner have been summoned by the CBI around six times and have cooperated with the investigation. She submits that the petitioner has not been issued a single notice asking him to join the investigation, which *per se*, indicates that the presence of the petitioner has not been considered necessary for the purposes of investigation. The allegation, she submits, howsoever, serious it may be, nonetheless, the procedural safeguards are to be scrupulously followed. To strengthen the said plea, the learned Senior Counsel relies upon the decision in *Arnesh Kumar vs State of Bihar*, (2014) 8 SCC 273.

11. She submits that the accused persons namely Saket Chand Srivastava, Tapender Singh Gujjar and Gautam Chawla were arrested pursuant to a trap laid by the CBI on 06.04.2025, prior to registration of the FIR i.e. during the Enquiry *sans* the sanction under Section 17A of the PC Act, which mandatorily requires prior sanction for purpose of Enquiry or Investigation with respect to a public servant. However, the petitioner was not arrested pursuant to a trap laid by the CBI.

12. Ms Rao, while drawing the attention of this Court to paragraph 4.1 and 4.6 of the Standard Operating Procedures (SOPs) for processing of cases under Section 17A of the PC Act issued by Ministry of Personnel, Public Grievance and Pension, Government of



2025:DHC:3534



India dated 03.09.2021, contends that a proper procedure has to be followed while processing of 'Information' received by a Police Officer. She further refers to decision of the Supreme Court in ***Yashwant Sinha & Ors. v. Central Bureau of Investigation***, (2020) 2 SCC 338.

13. The learned Senior Counsel next submits that while conducting the Enquiry/Investigation, the CBI is required to be fair and cannot adopt pick and choose policy with respect to alleged suspects. She submits that the respondent has done away with all procedural safeguards in order to conduct an Enquiry against the petitioner and has attempted to shield the prime accused i.e. Saket Kumar and M/s Rama Krishna Jewellers. The role of Saket Kumar, she submits, is graver than that of the petitioner's, whom they have proceeded to summon to participate in the investigation without affecting his arrest. Reliance is placed upon the Judgment rendered in ***Arvind Kejriwal v. Enforcement Directorate***, (2025) 2 SCC 248 to contend that the investigative process must adhere to the principles of uniformity and consistency in approach, applying the same standard to all similarly situated individuals.

14. The learned Senior Counsel further submits that the respondents are heavily relying upon some intercepted telephonic communication to allege the involvement of the petitioner in the subject FIR. She contends that there is no reference, whatsoever, to any intercepted telephonic communication in the FIR. It is only in response to the filing of the Anticipatory Bail application that the respondents have,



2025:DHC:3534



for the first time, claimed that such interceptions were undertaken in support of their case. In this backdrop, she submits that the respondents have, in effect, proceeded for interception of calls without any authorization and to conduct an enquiry without obtaining the prior approval of the Competent Authority,

15. She submits that, insofar as the handling of the Tenders by the Railway Department is concerned, the role of the petitioner is limited to that of an “executant”, which arises only after the stages of issuance, selection, and allotment are concluded.

16. She submits that the cash amounting to Rs 7,85,000/-, recovered from the residence of the petitioner, is from a legitimate source and bears no nexus, either direct or indirect, with the allegations of bribery as alleged in the FIR. As regards the seizure of gold, it is submitted that the said articles constitute the *stridhan* of the petitioner’s wife and similarly have no bearing or connection with the subject allegations. She further pointed out that in view of the forthcoming marriage of the petitioner’s daughter, the said locker was operated by the petitioner and his wife, in view with the said occasion.

17. The learned Senior Counsel submits that the requirement of custodial interrogation, as asserted by the respondents, has no basis as the respondents seek the custodial interrogation for the purpose of identification of others involved in the alleged conspiracy, for which they already possess the Call Detail Records (CDRs), which is sufficient to fulfill the necessary investigation.



2025:DHC:3534



18. To conclude, she submits that the petitioner had always been willing to join the investigation, but was prevented due to non-issuance of a notice under Section 35(3) of the BNSS. Even now, he is willing to fully cooperate with the ongoing investigation for which the Anticipatory Bail be granted to him.

19. On the other hand, Mr. Ravi Sharma, the learned Special Public Prosecutor (SPP) for the CBI, while seeking dismissal of the Anticipatory Bail application vehemently submits that there is overwhelming evidence to support the prosecution's version, thus, the custodial interrogation of the petitioner is required.

20. To begin with, the learned SPP brought the notice of this Court to the intercepted telephonic communications of the petitioner with his brother, co-accused Saket Chand Srivastava, Tapender Singh Gujjar and one unknown person to contend that these communications reveal that the petitioner was discussing the sharing of bribe amounts, in terms of percentage for various levels of officers within the Northern Railway. The identification of the individuals conversing with the petitioner in these intercepted communications is stated to be necessary for the purposes of investigation and in the event the petitioner is enlarged on Anticipatory Bail, there exists a strong likelihood of tampering with evidence and influencing of witnesses and the relevant evidence would disappear.

21. He submits that the petitioner has been evading appearance and has not joined the investigation till date. The conduct of the petitioner has, thus far, been indicative of an intention to tamper with evidence



2025:DHC:3534



and not to cooperate with the investigation. However, Saket Kumar, has been participating and cooperating in the ongoing investigation. Thus, the investigation carried out by CBI is adhering to the principles of uniformity and consistency in approach.

22. The learned SPP submits that, during the search operation conducted on 06.04.2025/07.04.2025 at the residential premises of the petitioner, he made an attempt to cause the disappearance of evidence. When the CBI team arrived at the petitioner's residence, the petitioner telephonically instructed his brother to prevent the CBI, at any cost, from conducting the search of the premises and if required, to remove the 'things'.

23. He further submits that in view of the petitioner's absence from his residence on the said date, the CBI, *vide* letter dated 07.04.2025, addressed to the Northern Railway, being the employer of the petitioner, requested that directions be issued to the petitioner to join the investigation. Pursuant thereto, the Office of the Divisional Railway Manager, Northern Railway, New Delhi, sent a letter dated 11.04.2025 to the petitioner's residential address, advising him to appear before the CBI at the earliest for the purposes of an investigation in connection with the present matter, which he did not join.

24. He submits that the said search operation at the residence of the petitioner resulted in the recoveries of cash and gold ornaments/bars, apart from other investments. Moreso, on 07.04.2025, the petitioner, along with his wife, operated their bank locker maintained in the



2025:DHC:3534



Central Bank of India, Safdarjung Enclave Branch. In this regard, he submits that a notice under Section 94 of the BNSS has been served upon the son of the petitioner, requiring him to deposit the key of the bank locker, which has not been complied with till date.

25. The learned SPP submits that, the custodial investigation of the petitioner is required to unearth a large criminal conspiracy and the role of other individuals in the Railway Department, as there are serious allegations of corruption in the Department pertaining to the issuance of various Tenders and that the petitioner is the nodal person for the collection of bribes from contractors and the subsequent distribution thereof among officers of the Northern Railway, thereby making his role grave in the alleged offence.

26. The learned SPP emphasizes that the intercepted telephonic communications pertaining to the petitioner point towards the direct involvement of the petitioner in the alleged offences and as the investigation is at its nascent stage, the grant of Anticipatory Bail to the petitioner will have serious impact upon the investigation. More so, the involvement of other individuals in the conspiracy may remain unrevealed.

27. While refuting the submissions of the petitioner, the learned SPP submits that the interception of the telephonic conversation in this case was duly authorized on multiple occasions by the Competent Authority, namely, the Union Home Secretary, Ministry of Home Affairs.



2025:DHC:3534



28. It is further submitted that the present matter pertains to a trap case, and in such cases, the statutory requirement of prior approval under Section 17A of the PC Act, is not attracted. It is contended that the trap was laid on the basis of source information; however, the petitioner could not be apprehended at the relevant time. The learned SPP submits that the decision in *Yashwant Sinha and Ors* (supra) is distinguishable as in the said decision the Review Petition was disposed of.

29. In support of his case, the learned SPP has relied on the following judgments:

- *Central Bureau of Investigation vs Vikas Mishra @ Vikash Mishra* (2023) 3 SCR 321,
- *State vs Anil Sharma* (1997) 7 SCC 187.

30. To rebut the submissions, the learned Senior Counsel urges that the trap was laid after a period of three months from the preliminary inquiry. She reiterated that the compliance under Section 17A of the PC Act and Section 35(3) of the BNSS is necessary.

31. Having heard the learned Senior Counsel for the petitioner and the learned SPP for the CBI, having perused the record, and the Judgments cited at the Bar, this Court notes that as per the version of the prosecution, the role assigned to the petitioner is that he was collecting as well as distributing the bribe amount amongst various stakeholders. He was instrumental in converting the bribes received by the accused Saket Chand Srivastava into gold through M/s Rama Krishna Jewellers with the help of accused Saket Kumar, Director of



2025:DHC:3534



M/s Shivmani Enterprises Pvt. Ltd. and such gold was later delivered to accused Saket Chand Srivastava.

32. As per the status report filed by the respondents, it is also alleged that the petitioner was involved in a large-scale bribery scandal in conspiracy with the other co-accused persons, and actively facilitated the collection of bribe amounts from railway contractors. These bribes were allegedly exchanged for favourable clearance of work orders and payments to the contractors.

33. The CBI, acting upon the source information, had laid a trap on 06.04.2025 and arrested Saket Chand Srivastava, Tapender Singh Gurjar and Gautam Chawla from Sandoz, Connaught Place, Delhi, while the bribe amount was being exchanged. On the same day, a raid was conducted at the premises of the petitioner, which extended till the early hours of 07.04.2025. During the said search, an amount of Rs.7,85,000/- in cash and gold valued at ₹ 43.06 lakhs was recovered. Notably, the petitioner was not present at his residence during the raid. The intercepted calls reveal that the petitioner, upon receiving information about the raid, instructed his brother to obstruct the search proceedings.

34. In response to the contention that the petitioner was not served under Section 35(3) of the BNSS, the learned SPP contends that due to non-availability of the petitioner, as he was stated to be in Vrindavan, the CBI approached his employer and informed it of ongoing investigation by the CBI through the official communication dated 07.04.2025. Subsequent thereto, the employer had issued a letter



2025:DHC:3534



dated 11.04.2025 to the petitioner asking him to appear before the CBI. Furthermore, the CBI had issued notices under Section 179 of the BNSS to the petitioner's children, which indicated the requirement for the petitioner's presence during the investigation. Despite this, the petitioner was not present before the investigating authority.

35. According to the respondent the petitioner was sufficiently aware of the investigation and that is why he called his brother and directed him to prevent the CBI from conducting the search, and in case the search ensues, he instructed him to remove all the things.

36. It is not disputed, on the very next day after the raid, on 07.04.2025, the petitioner, along with his wife, operated their bank locker. However a frivolous ground has been raised, which is that marriage of the daughter/nephew of the petitioner was to take place, without giving the date or place of such an event. More so, when it was in the knowledge of the petitioner that a raid was conducted at his premises, it was imperative upon him not to operate the bank locker.

37. The learned SPP has strongly submitted that there are 194 intercepted calls revealing incriminating conversation involving the petitioner in negotiations and distribution of illegal gains, thus, a larger conspiracy is to be unearthed, for which the custodial interrogation is needed. He submits that the provision of Section 17A of the PC Act is not applicable in the present matter as it was a trap case and three accused persons were arrested and at that time, however, the petitioner was not available.



38. Undoubtedly, allegations of corruption must be dealt with zero tolerance. When, during a trap proceeding, further information is received about the offence/offenders, the CBI cannot be rendered helpless in proceeding with further investigations.

39. In this regard, it is apposite to refer to the decision of the Supreme Court in ***CBI vs Santosh Karnani*** 2023 SCC OnLine SC 427. In this case respondent no. 1 therein, an IRS officer, was involved in case of illegal gratification, the Apex Court dealt with Section 17A of the PC Act and held as under:-

33. The contention that prior approval of investigation, as mandated under Section 17A of Prevention of Corruption Act, has not been obtained and thus, the proceedings initiated against Respondent No. 1 stand vitiated, has no legal or factual basis. Section 17A merely contemplates that police officers shall not conduct any enquiry, inquiry or investigation into any offence alleged to have been committed by a public servant where the alleged offence is relatable to any recommendation made or decision taken in discharge of official functions or duties, without the previous approval of the competent authority. The first proviso to the section states that such approval is not necessary in cases involving arrest of the person on the spot on the charges of accepting undue advantage.

34. As may be seen, the first proviso to Section 17A refers to cases wherein a public servant is charged with acceptance of an undue advantage or attempt thereof. A prior approval or sanction to investigate such an officer in a trap case is likely to defeat the very purpose of trap and the investigation, which is not the underlying intention of the legislature. The investigation against Respondent No. 1,



being an accused of demanding a bribe, did not require any previous approval of the Central Government. That apart, the accusation against Respondent No. 1 does not revolve around any recommendations made or decisions taken by him in his quasi-judicial or administrative capacity.

40. The principles on grant of Anticipatory Bail are well settled, specifically when dealing with serious offences like corruption and there is sufficient evidence pointing towards the role of the individual in such activities. In this regard, reference is made to the decision of the Supreme Court in ***Devinder Kumar Bansal vs State of Punjab***, 2025 SCC OnLine SC 488. The relevant extracts are as under:

“21. The parameters for grant of anticipatory bail in a serious offence like corruption are required to be satisfied. Anticipatory bail can be granted only in exceptional circumstances where the Court is prima facie of the view that the applicant has been falsely enroped in the crime or the allegations are politically motivated or are frivolous.....

... ..

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.”

41. In the present case, the manner in which the petitioner, despite having knowledge of the raid being conducted at his premises, evaded participation in the investigation and rather gave instructions to



2025:DHC:3534



prevent the raid and for disappearance of evidence, and also operated his bank locker the very next day, shows the petitioner's *mala fides*. Undisputedly, the son of the petitioner despite being served a notice, did not handover the key of the bank locker to the CBI. The details of other intercepted calls *prima facie* also points towards the involvement of the petitioner.

42. The nature and gravity of the alleged offence, *prima facie*, show that the allegation against the petitioner cannot be lightly brushed aside at this stage.

43. In conspectus of the facts and circumstances, as noted herein above, this Court is not inclined to grant Anticipatory Bail to the petitioner. The application for Anticipatory Bail is accordingly dismissed.

44. Needless to state, any observation made hereinabove shall not tantamount to be an expression on the merits of the case and has been made for the consideration of the present anticipatory bail application alone in the prevailing circumstances.

45. Accordingly, the present bail application as well as pending application, if any, stands dismissed.

SHALINDER KAUR, J

MAY 9, 2025/sk/frk

Click here to check corrigendum, if any