

IN THE COURT OF SH. CHANDRA SHEKHAR, LD.SPECIAL
JUDGE, CBI-19 (PC ACT), ROUSE AVENUE DISTRICT
COURTS, NEW DELHI

RC/AC-I/2015 A 0005

CBI v. Sunny Kalra

U/s: 120-B IPC r/w 420, 468, 471 IPC

& Sec. 13(2) r/w sec. 13(1) (d) of PC Act, 1988

P.S.: AC-I/ New Delhi

20.04.2020

Presence:

(Through CISCO WEBEX Meetings)

Ld. Defence Counsel Sh. Pradeep Rana for
applicant/accused Sunny Kalra.

Ld. Public Prosecutor Sh. Amit Kumar for the CBI
with IO Sh. Pramod Kumar, Deputy Superintendent
of Police, CBI, AC-I, New Delhi.

ORDER ON SECOND APPLICATION U/S 439
Cr.P.C. SEEKING GRANT OF INTERIM
BAIL FOR A PERIOD OF 45 DAYS TO
ACCUSED SUNNY KALRA



Today, I have heard arguments on second bail
application u/s 439 Cr.P.C. seeking grant of interim bail for
a period of 45 days to the accused Sunny Kalra, by Video
Conferencing through CISCO WEBEX Meetings as per
directions of Ld. District & Sessions Judge-cum-Special

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Judge (PC Act) Ms. Sujata Kohli, Rouse Avenue District Courts, New Delhi due to spreading of Corona Virus (COVID-2019), special measures taken by the Govt. to prevent it by ordering a nationwide lockdown extended till 03.05.2020 and instructions issued by Ld. District Judge to work from home maintaining social distancing:

The Video Conferencing was facilitated by Computer Branch of Rouse Avenue District Courts Complex, New Delhi in between 02:00 p.m. to 03:15 p.m.

Ld. Defence Counsel for the accused has submitted that earlier an application seeking interim bail was filed on behalf of accused Sunny Kalra in the present case, which was heard on 13.04.2020, by Sh. Bharat Parashar, Ld. Special Judge (PC Act), CBI, Rouse Avenue District Court, New Delhi however, as the medical report of accused Sunny Kalra was not available on record therefore, the said application was dismissed as withdrawn with liberty to file fresh application after obtaining a medical report from the concerned jail. The medical report from the Medical Officer- I/C, Jail Dispensary, Central Jail no. 1, Tihar, New Delhi dated 17.04.2020 was received therefore, he has moved the present second application seeking interim bail to accused Sunny Kalra.

On merits of the application, Ld. Counsel has submitted that the accused is a known case of Debates Mellitus Type II, Hypertension, High Myopia (both eyes), Low back ache with Radiculopathy both lower limbs. As per jail visiting Eye Specialist on 15.04.2020 accused was



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having High Myopia in both eyes with suspected lenticular sclerosis in right eye and advised for Retina examination and evaluation and management on urgent basis as there was possibility of degeneration of peripheral Retina and Holes leading to Retinal Breaks, which is an emergency eye condition and which may lead to vision loss. But outside OPD referral are not made because of spread of COVID 2019. On 16.04.2020, the doctors in jail have noted that accused was having Radiating pain Bilateral Lower limbs, Numbness bilateral foot and advised appropriate treatment and physiotherapy, but the physiotherapy was not available in Jail in view of spread of COVID 2019 since last one month. As per aforesaid medical report, the jail authorities are not able to provide proper medical treatment to the accused therefore, accused may be admitted on interim bail for a period of 45 days; the accused is ready to abide by any condition imposed upon him to grant interim bail; he is ready to furnish any security as per the directions of the court; there is no flight risk as the accused is not having his passport with him and has no visa; he undertakes that he will fully cooperate with the investigation and not tamper with evidence in any manner whatsoever.

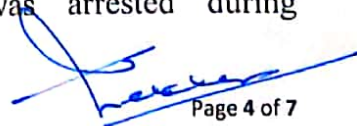
The attention of the Ld. Defence Counsel was brought on the fact that hospital are not providing treatment to patients for general illness and the whole concentration and focus of doctors and establishment is on the point to stop spread of Covid 2019, therefore, accused may not get medical treatment even if, he is released on interim bail. On this Ld. Defence Counsel has submitted that recently Delhi



Govt. has given instructions to all the hospitals in Delhi to start OPD and provide treatment to all the patients, therefore, the accused would be able to get treatment in the hospitals of his choice, after he is released on interim bail.

Ld. Public Prosecutor for CBI and IO together have opposed the granting of interim bail to the accused Sunny Kalra submitting that the case was registered against the accused and his other family members in the year 2015 under the aforementioned sections on the complaint of Punjab National Bank, Darya Ganj, Delhi, the accused, his wife, his brother and wife of his brother and other family members had absconded and fled to United Arab of Emirates (UAE), the accused after issuance of Red Corner Notice was arrested, on 06.03.2020 at Muscat International Airport, Muscat, Oman, there are many other similar cases pending against the accused and his family members, the accused and his family members have committed fraud of about rupees ten crores; the wife of the accused, his brother and wife of his brother have absconded and they are in Dubai; the accused has no permanent address in Delhi; if the accused is enlarged on bail; he may abscond and in that event, continuing further investigation in the present case shall be adversely affected. The accused has no permanent address in Delhi or in India, the accused had provided address of Dubai when accused had moved an application pretending that he wants to settle the case with Punjab National Bank and surrender in the court but, he had not surrendered in the court and was arrested during investigation




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On merits of the present application, Ld. Public Prosecutor for CBI and the IO have submitted that accused as per medical report, is suffering from some diseases but, the same are not serious in nature, the Jail Authorities concerned are providing him proper treatment; the accused could not be provided treatment for Myopia and Physiotherapy by the Jail Authorities due to spread of COVID-2019 as he could not be taken out of the jail for said treatment; as per Ld. Defence Counsel OPD in hospitals in Delhi have started, therefore directions may be given to the Jail authorities concerned to provide necessary medical treatment to the accused instead of releasing him on interim bail; the application of accused may kindly be dismissed accordingly.

In rebuttal, Ld. Defence Counsel has submitted that in-laws of the accused are living in Gurgaon and the accused has mentioned their address in his first application; if the accused is released on interim bail, he will not breach lockdown and will go to the hospital only for treatment purposes; the accused is not suffering from COVID-2019 therefore, he is not a risk to other people; the accused had moved application in the court showing his intention that he wants to settle the case with the complainant and mentioned address of his in-laws in the said application, the minutes of meeting of High Power Committee dated 18.04.2020 does not impose any restriction on the accused, therefore, application of accused may be allowed on medical grounds.



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I have considered the submissions of Ld. Defence Counsel for the accused, Ld. Public Prosecutor and IO for CBI, perused the judicial record annexed with the present application sent through email and instruction of High Power Committee dated 18.04.2020 sent on Whats App. After perusal of aforesaid record and considering the respective submissions addressed on behalf of respective parties, I am of the considered opinion that as case was registered against the accused persons in 2015, but the accused Sunny Kalra, his wife and other family members had absconded and except accused none has been arrested so far and accused was arrested only in March 2020, the accused has no permanent address in India, further investigation of the case is going on and some important witnesses are still to be examined therefore, keeping in view all the facts and circumstances of the case, it is not in the interest of justice to release the accused on interim bail. However, as per the medical report, the accused needs immediate medical treatment, which could not be provided to him earlier due to spread of COVID 2019, but as it is stated by Ld. Defence Counsel that Delhi Govt. recently has given direction to hospitals in Delhi to make the OPD(s) operational, therefore it seems now medical treatment may be provided to the accused. In view of the aforesaid facts, the concerned Supdt. Jail, is directed that accused be provided necessary medical treatment at the earliest. The Superintendent Jail concerned may take the accused in concerned hospital, outside the jail following the necessary directions issued by the Hon'ble Supreme Court



and as per the directions issued by High Power Committee of the Hon'ble High Court of Delhi; or the concerned Doctors from outside jail may be called in the jail to provide treatment to the accused in jail. The medical treatment provided to the accused be intimated to Ld. Defence Counsel of the accused at the earliest in the similar way as copy of Medical Report was provided to him as per directions of Ld. ASJ Sh. Bharat Parasher. *The aforesaid application of accused is decided and disposed of accordingly.*

A copy of this order is being sent through Whats App to Sh. Surrender Prasad Incharge Computer Branch in the Rouse Avenue District Courts, New Delhi with a direction to him to upload the same on official website of Delhi District Courts at the earliest and sent a copy to concerned Supdt. Jail on his email and provide a Whats App copy to Ld. Defence Counsel, Ld. Public Prosecutor and the IO. A signed hard copy of the order shall be sent to the concerned court as soon as work is resumed from the Court premises of Rouse Avenue District Courts, New Delhi.

Dated 20.04.2020



CHANDRA SHEKHAR

Special judge, CBI-19 (PC Act),

Rouse Avenue District Courts, New Delhi

श्री चन्द्र शेखर
Sh. Chandra Shekhar
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