

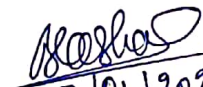
**IN THE COURT OF BHARAT PARASHAR, SPECIAL JUDGE, (PC Act),
CBI, ROUSE AVENUE COURT COMPLEX, NEW DELHI**

CC No.
RC No. RC/ACI/2015/A/0005 dated 16.12.2015
PS: ACI/New Delhi
CBI Vs. Sunny Kalra
U/s 120 B r/w 420, 468, 471 IPC
and S. 13 (2) r/w 13 (1) (d) PC Act 1988
Distt. New Delhi

ORDER

Bail application u/s 439 of the Code of Criminal Procedure for grant of interim bail for a period of 45 days for and on behalf of the applicant/accused namely Sunny Kalra moved by Ld. Counsel Sh. Pradeep Rana.

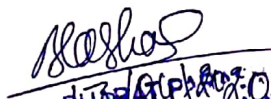
1. The hearing of the present application was taken up via Cisco Webex Platform in the presence (onscreen) of:
Sh. Sunil Verma, Ld. PP for CBI.
Dy. SP Pramod Kumar, IO of the case.
Sh. Pradeep Rana, Ld. Counsel for applicant/accused.
2. The meeting was facilitated by the Computer Branch officials of Rouse Avenue District Court (RADC).
3. The present application has been marked to the undersigned by Ld. District & Sessions Judge, RADC in accordance with the duty roster already circulated. The application was received via email through Computer Branch, RADC.
4. The bail of accused Sunny Kalra has been primarily sought by Ld. Counsel Sh. Pradeep Rana on the ground that appropriate hygienic


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BHARAT PARASHAR
Special Judge (PC Act) CBI
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conditions are not being maintained in jail and that accused is not maintaining good health. It has been submitted that accused is having persistent cough and fever. It has thus been prayed that accused may be granted interim bail for a period of about 45 days so that during the present situation when in view of Covid-19 pandemic, social distancing is required to be maintained, so accused may take appropriate precautions and may also obtain proper medical treatment. It has been submitted that OPD facilities inside the jail have been closed for a period of about 3 months and thus accused is not getting any medical treatment. It has been further submitted that accused, if released on bail shall be staying at his in-laws house in Gurugram i.e. the address which has been provided in the bail application itself.

5. On the other hand Ld. P.P. Sh. Sunil Verma for CBI strongly opposed the request for bail stating that the symptoms as stated by Ld. Counsel for accused/applicant are like that of Covid-19 and in such a situation it will be better that accused remains confined inside the jail itself, as releasing him on bail may not only expose him to further infection but may also endanger the life of other members of the community as Covid-19 is highly contagious. He submitted that recently Hon'ble Bombay High Court in a similar situation dismissed the bail application of an accused making such observations only.

6. IO Dy. SP Pramod Kumar however submitted that accused Sunny Kalra and his wife and other family members had run away to Dubai after committing fraud with various banks and that four (4) cases are pending against him in different Courts. He submitted that pursuant to extradition proceedings, accused/applicant Sunny Kalra was arrested in Oman and thereafter only he could be brought to India. He also submitted that similar extradition proceedings are still pending against the wife of accused/applicant. He also submitted that accused has no permanent address in India and if released on bail, will certainly abscond away.


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Room No. 608, 8th Floor,
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New Delhi


7. In rebuttal, Ld. Counsel Sh. Pradeep Rana submitted that there are in all four cases pending against the accused and in the other three cases, accused has not been arrested and in fact was even given protection from arrest in one case. He also submitted that as earlier mentioned accused, if released on bail will be staying at his in-laws house. He also submitted that he has sought interim bail for accused only on the ground that accused is not keeping well but he has not stated that he is suffering from Covid-19. He also requested that the Court may call for a medical examination report of the accused from concerned Jail authorities as due to closure of OPD facilities, no medical attention is being given to the applicant/accused at present, inside the jail.

8. I have carefully perused the bail application and heard the arguments at length.

9. Keeping in view the overall facts and circumstances of the case, coupled with the submissions made, Ld. Counsel for applicant/accused was asked as to whether any medical record of the accused is available with him which can be perused and to which Ld. Counsel stated that since the accused is in jail so he is not having any such document with him now. Ld. Counsel however further submitted that a medical examination report of the accused may be called from jail and thereafter he may be given liberty to move a fresh application for grant of bail on the basis of said medical examination report. He also submitted that if such a medical examination of the accused/applicant is ordered then a copy of the report may also be directed to be provided to him.

10. Ld. Senior P.P. also submitted that he has no objection if medical examination of the accused is got conducted by the jail authorities and a report is duly submitted by them.

11. In view of the aforesaid submissions I accordingly deem it appropriate to direct concerned Jail Superintendent to get


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Special Judge
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applicant/accused Sunny Kalra medically examined and his medical examination report may be provided not only to applicant/accused but also to his Ld. Counsel Sh. Pradeep Rana who states that his vakalatnama is on record.

12. A copy of the said medical examination report may also be provided to IO Dy. S.P. Pramod Kumar and to the concerned Court also through the office of Ld. District & Sessions Judge, RADC.

13. The said medical examination report may be provided within a period of 7 days upon receipt of present order.

14. The present application is accordingly dismissed as withdrawn with the liberty to Ld. Counsel Sh. Pradeep Rana for accused/applicant Sunny Kalra to move a fresh application, after considering the medical examination report of the accused.

15. The present application accordingly stands dismissed as withdrawn.

16. A scanned signed copy of this order is being sent to Sh. Vivek Negi, PS to Ld. District & Sessions Judge, RADC via email for further action in terms of the present order.

17. A copy of order shall also be retained on record to be put in the judicial file as and when normal Court working is restored.

18. The present order has been dictated on phone to Steno Hukam Chand.



Bharat Prashar
(Bharat Prashar)
Special Judge (PC Act) CBI
(CBI)/RADC, Delhi
13.04.2020
Room No. 608, 6th Floor,
Rajendra Avenue Court Complex
New Delhi