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

Reserved on: 09th October, 2026
Pronounced on: 04th November, 2026

\# **CNR No. DLHC010329522026**

\+ CRL.A. 691/2026 & CRL.M.(BAIL) 1394/2026

CHANDER PAL SINGH .....Appellant

Through: Ms. Kaadambari Singh Puri, Sr. Adv. with Mr. Mayank Tripathi, Mr. Vijay Shukla, Ms. Samkiti Jain and Mr. Gyan Sancheti, Advs.
M: 9582504508
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versus

CENTRAL BUREAU OF INVESTIGATION & ORS. .....Respondents

Through: Mr. Vikrant Pachnanda, SPP with Mr. Mukul Katyal, Advs.
M: 9871138813
Email: vikrant.pachnanda@gmail.com

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

JUDGMENT

MINI PUSHKARNA, J.

INTRODUCTION

1. The present application has been filed under Section 480 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ("BNSS")/Section 389(1) of the Code of Criminal Procedure, 1973 ("CrPC"), on behalf of the appellant, i.e.,

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Chander Pal Singh S/o Late Kishan Lal, seeking suspension of the execution of sentence and for release on bail during the pendency of the captioned appeal.

2. *Vide* judgment on conviction dated 06th July, 2026, and the order on sentence dated 16th July, 2026, in *CBI 48/2021*, passed by the Special Judge, (PC Act) (CBI) – 13, Rouse Avenue District Court Complex, New Delhi, in connection with the First Information Report ("FIR") bearing no. *RC DAI-2021-A-0019,* the appellant was sentenced, on two counts, namely, under Section 7A of the Prevention of Corruption Act, 1988 ("PC Act") and Section 120B of the Indian Penal Code, 1860 ("IPC") read with Section 7 of the PC Act, to rigorous imprisonment of 04 (four) years and a fine of Rs. 20,000/- (Rupees Twenty Thousand only), in default of which, further simple imprisonment of 01 (one) month, for each count.

3. It was further directed that substantive periods of imprisonment awarded to the appellant shall run concurrently. The appellant was taken into custody on 06th July, 2026, i.e., upon the pronouncement of the order of sentence and is presently in custody.

4. It is to be noted that the fine of Rs. 40,000/- (Rupees Forty Thousand only), i.e., Rs. 20,000/- (Rupees Twenty Thousand only) on each of the two counts of sentencing, has already been paid by the appellant on 17th July, 2026.

FACTUAL MATRIX:

5. The case of the prosecution, as culled out from the record, are as follows:

5.1. Pursuant to a written complaint dated 13th April, 2021, by one Sanjeev Gupta, i.e., the complainant, the instant case was registered by the, Anti-

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Corruption Branch ("ACB"), Central Bureau of Investigation ("CBI"), New Delhi, under Section 7A of the PC Act and 120B of the IPC, against Dilip Kumar, Amit Negi and unknown public servants.

5.2. The complainant, in the said complaint, alleged that he had been allotted an industrial plot bearing no. *B-414, Bhorgarh Industrial Area, Bawana Phase – II, Delhi*, admeasuring 150 square meters, by the Relocation Department of the Delhi State Industrial & Infrastructure Development Corporation Ltd, New Delhi ("DSIIDC").

5.3. He further stated that the possession of the said plot had already been delivered to him, however, for the purpose of execution of a lease deed in regard thereto, he had applied to the DSIIDC on 23rd February, 2021, but no action was taken on his application. Further, the middlemen, i.e., Chaturbhuj @ Pappu and Dilip Kumar demanded Rs. 25,000/- (Rupees Twenty-Five Thousand only) from the complainant to get the said lease deed executed through the dealing clerk, i.e., the appellant.

5.4. For the purposes of verification of the said complaint, the complaint was assigned to a verification officer, i.e., Sub Inspector ("SI") Suresh Chandra Kushwah. The complainant, one SI Nitin Kumar and one independent witness, i.e., Chandan Kumar Mishra, who was posted as an ASO, Doordarshan, Delhi, also joined the verification team.

5.5. The verification of the complaint was conducted on 13th April, 2021, wherein, the complainant, along with the independent witness, was sent to the office of DSIIDC, Udyog Sadan, Patparganj, New Delhi, with a Digital Voice Recorder ("DVR") with recording on.

5.6. The memory card of the DVR was as Q1 during the investigation, and was exhibited as *PW2/Article 5,* before the Trial Court. Further, the transcript

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of the said conversation was exhibited as *Ex PW2/H (Colly.)*.

5.7. The complainant, corroborated by the independent witness, after his return from the DSIIDC office, stated that he contacted Dilip Kumar, who asked him to meet at the tea-stall on the 3rd (third) floor of the building with 04 (four) sets of documents. Dilip Kumar informed the complainant that his file was pending with the appellant and out of the total bribe, Rs. 4,000/- (Rupees Four Thousand only) shall be paid to the appellant. Amit Negi had also joined the conversation and supported the demand for bribe. Dilip Kumar had made a call to the appellant, who did not pick up the call, but came to the tea stall and assured that the lease would be executed by the next week.

5.8. Amit Negi negotiated and finalized the bribe amount at Rs. 20,000/- (Rupees Twenty Thousand only), and asked the complainant to pay the part bribe of Rs. 10,000/- (Rupees Ten Thousand only) to Dilip Kumar in Bawana, Delhi, and remaining amount at the time of execution of the lease deed.

5.9. On 15th April, 2021, a trap was laid by the Trap Laying Officer, i.e., Inspector Shyam Rai, along with independent witnesses Chandan Kumar Mishra and Bablu Kumar, i.e., Junior Engineer, Public Works Department ("PWD"), Sukhdev Vihar, Delhi.

5.10. Dilip Kumar was caught red-handed accepting Rs. 10,000/- (Rupees Ten Thousand only) as bribe at the complainant's office located at *F-149, Prashant Vihar, Delhi*. The currency notes which were handed over to Dilip Kumar by the complainant were treated with *phenolphthalein* powder, consequently, the hand washes of Dilip Kumar were taken in two bottles of sodium carbonate solution, which reacted with the *phenolphthalein* powder on the hands of Dilip Kumar, to turn pink.

5.11. Subsequently, both Chaturbhuj @ Pappu and Amit Negi were also

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apprehended by the CBI team.

5.12. It is the case of the prosecution that Amit Negi, upon being apprehended, on instructions of the Trap Laying Officer, placed a WhatsApp call to the appellant, wherein, the appellant confirmed about the approval of the complainant's file and explicitly directed Amit Negi to not disclose the said approval to retain leverage for the remaining money.

5.13. It is also the prosecution's case that, subsequently, the appellant was also brought to the CBI office, however, he did not give any satisfactory answers. The appellant was formally arrested on 16th April, 2021.

5.14. Upon completion of investigation, a Chargesheet dated 28th October, 2021 was filed before the Trial Court. The Trial Court took cognizance and framed charges against the appellant under Section 7 of the PC Act and 120B of the IPC read with Section 7 of the PC Act. Subsequently, the appellant was convicted and sentenced by the Trial Court.

SUBMISSIONS BY THE APPELLANT:

6. Before this Court, the appellant has raised the following contentions:

6.1. The conviction of the appellant does not rest upon any direct evidence or recovery, but only upon inference. Furthermore, the appeal raises substantial and arguable questions.

6.2. Admittedly, the investigation against the appellant was initiated without the mandatory prior approval/sanction under Section 17A of the PC Act. Further, the proviso to Section 17A of the PC Act for 'on the spot' arrest has no application in the present case as neither the appellant was caught red-handed nor has anything been recovered from him.

6.3. The twin conditions of Section 7 of the PC Act, i.e., demand and acceptance, are not met in the instant case. The verification officer has

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admitted that there was no utterance of any demand of money by the appellant and there is no conversation directing the bribe money to him.

6.4. The appellant has neither been named in the Verification Report nor in the FIR. His role was merely recommended to be 'looked into during investigation'.

6.5. The case of the prosecution rests on recorded electronic conversations, the admissibility of which is in issue, as neither any Certificate under Section 65B of the Indian Evidence Act, 1872 ("Evidence Act") nor any hash-value Certificate has been produced for the said seized records.

6.6. The sentence imposed on the appellant is a fixed term for 04 (four) years, and not imprisonment for life, and henceforth, in view of the decisions of the Supreme Court, the suspension of sentence is to be considered liberally, unless there are exceptional circumstances.

6.7. The relevant considerations for the grant of suspension of sentence, i.e., (i) nature of offence, (ii) manner in which the occurrence took place, and (iii) whether concession of bail granted earlier was misused in any manner, are met in the present case.

6.8. The appellant was released on bail on 30th April, 2022, by the Trail Court, and has remained on bail throughout the entire trial until his conviction on 06th July, 2026, and there are no allegations of the misuse of bail.

6.9. The Supreme Court has granted bail on materially similar considerations, i.e., a 04 (four) year fixed term sentence and an accused, who was on bail throughout the trial, as in the present case.

6.10. The appeal is listed in the category of regulars and based on the year of its seniority, it is not likely to be taken up and finally heard in the near future, and the appeal would be rendered infructuous in view of passage of

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time and substantial sentence being served by the appellant.

SUBMISSIONS BY THE STATE:

7. The case put forth by the prosecution is as follows:

7.1. The appellant has failed to make out any exceptional or compelling ground warranting suspension of sentence during the pendency of the appeal.

7.2. The impugned judgment of conviction of the appellant is based on proper appreciation of the oral and documentary evidence on record and does not disclose any apparent infirmity.

7.3. The offence of the appellant is of such a nature, if the suspension of sentence is considered unless justified by compelling circumstances, the same may adversely affect the public confidence in the administration of justice.

7.4. Any leniency shown to the appellant, being a public servant, would be contrary to the message of deterrence to persons, and hence, undermine public confidence in the efficacy of law.

FINDINGS AND ANALYSIS:

8. I have heard learned counsels for both the parties and have perused the record.

9. At the outset, this Court notes that the sentence imposed upon the appellant is fixed term of 04 (four) years. The Supreme Court has held, in categorical terms, that where a convict is sentenced to a fixed term and files an appeal, suspension of sentence is to be considered liberally unless there are exceptional circumstances. Thus, in the case of ***Bhagwan Rama Shinde Gosai and Others Versus State of Gujrat, (1999) 4 SCC 421***, Supreme Court has held as follows:

> *"xxx xxx xxx*
>
> ***3. When a convicted person is sentenced to a fixed period of***

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sentence and when he files an appeal under any statutory right, suspension of sentence can be considered by the appellate court liberally unless there are exceptional circumstances. *Of course, if there is any statutory restriction against suspension of sentence it is a different matter. Similarly, when the sentence is life imprisonment the consideration for suspension of sentence could be of a different approach. But if for any reason the sentence of a limited duration cannot be suspended every endeavour should be made to dispose of the appeal on merits more so when a motion for expeditious hearing of the appeal is made in such cases.* ***Otherwise the very valuable right of appeal would be an exercise in futility by efflux of time. When the appellate court finds that due to practical reasons such appeals cannot be disposed of expeditiously the appellate court must bestow special concern in the matter of suspending the sentence so as to make the appeal right, meaningful and effective. Of course, appellate courts can impose similar conditions when bail is granted.***

xxx xxx xxx"

(Emphasis Supplied)

10. Likewise, in the case of ***Suresh Kumar and Others Versus State (NCT of Delhi), (2001) 10 SCC 338***, it was held as follows:

"xxx xxx xxx

5. *This Court has stated in Bhagwan Rama Shinde Gosai v. State of Gujarat [(1999) 4 SCC 421 : 1999 SCC (Cri) 553] : (SCC p. 422, para 3)*

"3. When a convicted person is sentenced to a fixed period of sentence and when he files an appeal under any statutory right, suspension of sentence can be considered by the appellate court liberally unless there are exceptional circumstances."

xxx xxx xxx"

(Emphasis Supplied)

11. In the facts of the present case, it is to be noted that no recovery has been made from the appellant. The office of the appellant was on the 03rd (third) floor of the building. The middleman called the appellant on the phone; however, he did not answer the same. Later, when the appellant went to the

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tea stall on the 03rd (third) floor of the building, where his office was also situated, the middleman was standing therein at the tea stall. When the middleman asked to get the work of the complainant done, the appellant simply nodded his head. It is nobody's case that the appellant asked for any money from the complainant or the middleman.

12. In this regard, cross-examination of *PW2* (complainant) may be referred, wherein the complainant has testified that he never informed the appellant herein that he was paying any amount on his behalf to anybody. He further confirmed that the tea stall on the third floor was the only tea stall in the whole building. The complainant further testified during his examination that he had engaged the middleman for enquiring about the status of the lease as well as execution of the same. He further testified that no demand for money was made in the presence of the appellant.

13. The deposition of *PW5*, a shadow witness of the CBI also confirms the fact that no demand for money was made by the appellant. He also testifies during his deposition that the appellant did not talk to the middleman, Dilip Kumar, in his presence, over the mobile phone on 13th April, 2021. The said witness has categorically deposed that the appellant did not demand any money from any person.

14. *PW15*, i.e., the Investigating Officer ("IO") has testified, in categorical terms, that in the Verification Report attached with the FIR, nothing was mentioned about the appellant herein. He has further testified during his examination that no recovery was made from the appellant.

15. In this regard, it would be fruitful to refer to the judgment of the Supreme Court in the case of ***B. Jayaraj Versus State of Andhra Pradesh, (2014) 13 SCC 55***, wherein, the Supreme Court has held as follows:

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> *"xxx xxx xxx*
>
> ***7. Insofar as the offence under Section 7 is concerned, it is a settled position in law that demand of illegal gratification is sine qua non to constitute the said offence and mere recovery of currency notes cannot constitute the offence under Section 7 unless it is proved beyond all reasonable doubt that the accused voluntarily accepted the money knowing it to be a bribe.*** *The above position has been succinctly laid down in several judgments of this Court. By way of illustration reference may be made to the decision in C.M. Sharma v. State of A.P. [(2010) 15 SCC 1 : (2013) 2 SCC (Cri) 89] and C.M. Girish Babu v. CBI [(2009) 3 SCC 779 : (2009) 2 SCC (Cri) 1] .*
>
> *xxx xxx xxx"*
>
> (Emphasis Supplied)

16. Thus, a *prima facie* case has been made out by the appellant.

17. Furthermore, it is also to be noted that the appeal is of the year 2026 and is not likely to be taken up and finally heard in the near future. Where the chance of the appeal being heard in the near future is remote, that is a valid consideration in favour of releasing the appellant on bail during the pendency of the appeal. To compel the appellant to serve a substantial part of his four-year sentence before his appeal is even heard, would render the right of appeal illusory. Reference is this regard is made to the judgment in the Case of ***Sunil Kumar Versus Vipin Kumar, (2014) 8 SCC 868***, wherein, it has been held as follows:

> *"xxx xxx xxx*
>
> ***13.*** *We have heard the rival legal contentions raised by both the parties. We are of the opinion that the High Court has rightly applied its discretionary power under Section 389 CrPC to enlarge the respondents on bail.* ***Firstly, both the criminal appeal and criminal revision filed by both the parties are pending before the High Court which means that the convictions of the respondents are not confirmed by the appellate court. Secondly, it is an admitted fact that the respondents had been granted bail***

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> ***earlier and they did not misuse the liberty***. *Also, the respondents had conceded to the occurrence of the incident though with a different version.*
>
> ***14. We are of the opinion that the High Court has taken into consideration all the relevant facts including the fact that the chance of the appeal being heard in the near future is extremely remote, hence, the High Court has released the respondents on bail on the basis of sound legal reasoning. We do not wish to interfere with the decision of the High Court at this stage. The appeal is dismissed accordingly.***
>
> *xxx xxx xxx"*
>
> (Emphasis Supplied)

18. It is also to be noted that the appellant was released on bail on 30th April, 2021, and has remained on bail throughout the entire trial until his conviction on 06th July, 2026. There is no allegation that the appellant has misused the concession of bail in any manner.

19. Considering the totality of the facts and circumstances of the present case, this Court deems it fit to suspend the sentence of the appellant during the pendency of the appeal.

20. Accordingly, the present application is allowed and it is directed that the sentence awarded to the appellant *vide* order on sentence dated 16th July, 2026, passed by the Trial Court in *CBI 48/2021*, shall remain suspended pending disposal of the present appeal.

21. The appellant shall be released on bail on furnishing a personal bond in the sum of Rs. 25,000/- (Rupees Twenty-Five Thousand only) with one surety of the like amount, subject to the satisfaction of the concerned Jail Superintendent, and subject to the following conditions:

I. The appellant shall provide his mobile number(s) to the IO concerned, which shall be kept in a working condition at all times and shall not be

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switched off.

II. The appellant shall not change his mobile number(s) without prior intimation to the IO concerned during the period of suspension of sentence.

III. The appellant shall furnish his permanent address to the IO, within 02 (two) weeks of his release. In case he changes his address, he will inform the IO concerned as well as this Court.

IV. The appellant shall appear before the Court as and when the appeal is taken up for hearing.

V. The appellant shall not leave the country without the permission of this Court.

22. It is clarified that any observations made herein are purely for the purposes of deciding the question of suspension of sentence and shall not be construed as an expression on the merits of the case.

23. The present application is disposed of in the above terms.

24. A copy of this order shall be sent to the concerned Jail Superintendent for information and necessary compliance.

MINI PUSHKARNA
(JUDGE)

NOVEMBER 04, 2026/Ak/SK

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