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

% ***Date of Decision: 25.11.2026***

\# **CNR No.DLHC010560682026**

\+ **CRL.A. 1157/2026**

NEERAJ KHATRI .....Appellant

Through: Mr. Anupam S. Sharma, Sr. Adv. along with Mr. Anurag Andley, Mr. Aditya Andley, Mr. Tanmay Gupta and Mr. Sahil Nagar, Advocates.

versus

CENTRAL BUREAU OF INVESTIGATION .....Respondent

Through: Mr. Ripudaman Bhardwaj, SPP along with Mr. Kushagra Kumar, Mr. Amit Kr. Rana and Mr. Anmol Ghai, Advs.

CORAM:
HON'BLE MR. JUSTICE SACHIN DATTA

SACHIN DATTA, J. (*ORAL*)

CRL.M.A.36471/2026 (Exemption from filing certified copies of annx.) & **CRL.M.A.36472/2026** (Exemption from filing certified copies of annx.)

1. These applications are disposed of with a direction to the appellant to file certified copies of annexures, before the next date of hearing.

CRL.A. 1157/2026

2. Admit.

3. List for hearing in due course.

4. Let the digitized trial Court record be requisitioned and placed on record.

CRL.M.(BAIL) 2245/2026 (UNDER SECTION 389 OF CR.P.C. 1973 [SECTION 430 BNSS, 2023] SEEKING SUSPENSION OF SENTENCE

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AND GRANT OF BAIL ON BEHALF OF APPLICANT/APPELLANT SH. NEERAJ KHATRI)

5. By way of the present application filed under Section 430 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS'), the applicant seeks suspension of sentence awarded to the applicant/appellant *vide* order on Sentence dated 06.10.2026 passed by the learned Special Judge, PC Act (CBI)-07, Rouse Avenue District Court and seeks to be released during the pendency of the appeal.

6. The appellant, is a former Deputy Director in the Ministry of Environment and Forests, and has been convicted vide judgment dated 24.09.2026 under Section 13(1)(e) read with Section 13(2) of the Prevention of Corruption Act, 1988. On 06.10.2026, the appellant was sentenced to rigorous imprisonment for 4 years and a fine of Rs.25,00,000/-. He has been in custody since the said date. The appellant stands convicted in two other cases under PC Act. In both the cases, the sentences are stated to have been suspended.

7. Learned senior counsel for the appellant submits that the sentence is for a fixed term and that the appeal will take a substantial time to be heard. He submits that the substantive points have been urged in the appeal. He also points out that the appellant is aged 59 years. He submits that this is a fit case for suspending the sentence.

8. Learned counsel appearing for the respondent strongly opposes the application given the nature of the offence and huge recovery of cash.

9. I have given my thoughtful consideration to the matter.

10. In my view, the sentence deserves to be suspended given that the sentence is for a fixed term. The Supreme Court has held that in the context

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of a fixed term sentence, the Court must consider the prayer for suspension of sentence liberally. In this regard, reference may be made to the observation of the Supreme Court in ***Bhagwan Rama Shinde Gosai v. State of Gujarat***, (1999) 4 SCC 421, wherein the following has been observed as under:

> *"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. 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."*
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> **(emphasis supplied)**

11. It is also apposite to refer to the observations of the Supreme Court in Aasif @ Pasha v. State of U.P., 2025 SCC OnLine SC 1644 : 2025 INSC 944, wherein the Court, inter alia, observed:

> *"10. There are two types of sentence that the Trial Court can impose depending on the nature of the offence. Some orders of sentence are for a fixed term, unlike the order of sentence of life imprisonment.*
>
> *11. The case in hand is one of a fixed term of sentence. The maximum punishment that has been imposed is 4 years.*

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> *12. Way back in 1999, this Court in "Bhagwan Rama Shinde Gosai and Others v. State of Gujarat", (1999) 4 SCC 421 stated that 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 should be considered by the Appellate Court liberally unless there are exceptional circumstances.*
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> ***
>
> *17. When the Appellate Court finds that due to practical reasons, such appeals cannot be disposed of expeditiously, the Appellate Court must show special concern in the matter of suspending the sentence so as to make the appeal right, meaningful and effective. At the same time, the appellate courts can impose similar conditions when appeal is granted."*
>
> **(emphasis supplied)**

12. Learned senior counsel for the appellant also points out that the appellant has a compelling case in appeal. He submits that apart from other points, the cash of Rs.21,62,000/-, which was recovered from the house of one Bijender Singh (DW-6) at Rohtak, was attributed to the appellant on the basis of the statement of the appellant's wife, who herself, being a government servant, has been acquitted.

13. This Court does not express any view on the said contention. Suffice to say that this is an aspect that is required to be duly considered at the stage of hearing of the appeal.

14. Further, the applicant undertakes to deposit the fine of Rs.25,00,000/- within a period of four weeks before the learned trial Court.

15. Considering the totality of circumstances, and the undertaking of the appellant to deposit the fine within a period of four weeks, the sentence awarded to the appellant is suspended during the pendency of the appeal. The appellant shall be released on furnishing a personal bond in the sum of Rs.1,00,000/-, with a surety of the like amount to the satisfaction of the

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learned trial Court, subject to the following conditions:

i. The appellant shall not leave the NCT of Delhi without prior permission of this Court;

ii. The appellant shall furnish the address, where he will be residing, to the concerned Jail Superintendent and the Investigating Officer (I.O.);

iii. The appellant shall forthwith intimate the Investigating Officer/SHO concerned of any change in his residential address or contact details and shall not change the same without prior intimation to the I.O.;

iv. The appellant shall furnish his mobile number to the Investigating Officer/SHO concerned and shall keep the same switched on at all times;

v. The appellant shall not directly or indirectly contact or influence any of the prosecution witnesses;

vi. The appellant shall not indulge in any criminal activity during the period of suspended sentence;

vii. The appellant shall report to the concerned SHO on the first Monday of every month at 11:00 a.m. and shall be discharged by 12:00 noon after recording his presence and completion of the necessary formalities.

viii. The proof of deposit of the fine shall be placed on record in these proceedings.

ix. Needless to say, nothing in this order shall be construed as an expression of opinion of this Court on the merits of the pending

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appeal.

x. It is made clear that any breach of the aforesaid condition shall entitle the CBI to seek cancellation of this order.

16. The application is disposed of in the above terms.

SACHIN DATTA, J

NOVEMBER 25, 2026/r, nb

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