



2026:DHC:961



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

% *Judgment Reserved on: 30.01.2026*
Judgment pronounced on: 06.02.2026

+ **CRL.A. 1735/2025, CRL.M.A. 38616/2025 & CRL.M.A. 38643/2025**

PARVIN JUNEJA

.....Appellant

Through: Mr. Sandeep Sethi, Sr. Advocate with Mr. Shree Singh, Mr. Shubham, Mr. Prashant, Mr. Kamrau, Mr. Rishi, Mr. Varun Garg and Mr. Nishpveha Mittal, Advocates.

versus

CENTRAL BUREAU OF INVESTIGATION

.....Respondent

Through: Mr. Rajesh Kumar, SPP with Mr. Changez Khan, Mr. Siddharth and Ms. Mishika, Advocates

+ **CRL.A. 1743/2025**

SANJAY CHATURVEDI

.....Appellant

Through: Mr. Sidharth, Sr. Advocate with Ms. Tulika and Mr. Danish, Advocates.

versus

CENTRAL BUREAU OF INVESTIGATION

.....Respondent

Through: Mr. Rajesh Kumar, SPP with Mr. Changez Khan, Mr. Siddharth and Ms. Mishika, Advocates



+ **CRL.A. 1750/2025 and CRL.M.(BAIL) 10/2026**

SUMIT CHATURVEDI

.....Appellant
Through: Mr. Madhav Khurana, Mr. Akshat Kumar, Mr. Adesh, Mr. Sarthak and Mr. Sheezan Hashmi, Advocates.

versus

CENTRAL BUREAU OF INVESTIGATION

.....Respondent
Through: Mr. Rajesh Kumar, SPP with Mr. Changez Khan, Mr. Siddharth and Ms. Mishika, Advocates

+ **CRL.A. 1754/2025**

AMIT CHATURVEDI

.....Appellant
Through: Mr. Tanmay Mehta, Mr. Nupur, Mr. Manan, Ms. Apurva Gaur, Ms. Anju and Ms. Priya, Advocates.

versus

CENTRAL BUREAU OF INVESTIGATION

.....Respondent
Through: Mr. Rajesh Kumar, SPP with Mr. Changez Khan, Mr. Siddharth and Ms. Mishika, Advocates

CORAM:

HON'BLE MS. JUSTICE CHANDRASEKHARAN SUDHA

JUDGMENT

CHANDRASEKHARAN SUDHA, J.



CRL.M.(BAIL) 2550/2025 in CRL.A. 1735/2025

CRL.M.(BAIL) 2558/2025 in CRL.A. 1743/2025

CRL.M.(BAIL) 2570/2025 in CRL.A. 1750/2025

CRL.M.(BAIL) 2573/2025 in CRL.A. 1754/2025

1. These applications under Section 430 of the Bhartiya Nagarik Suraksha Sanhita, 2023, have been filed on behalf of accused nos. 2 to 5 in C.C. No. 41/2021 titled “*Central Bureau of Investigation v. H B Chaturvedi & Ors*” on the file of Special Judge (CBI), Rouse Avenue, New Delhi, Special Judge, (PC Act), CBI – 11, seeking suspension of sentence during the pendency of appeal. The appellants have been found guilty of the offences punishable under Sections 420 and 471 read with Section 120B of the Indian Penal Code, 1860 (the IPC). *Vide* the order on sentence dated 18.12.2024, the appellants have been sentenced to undergo simple imprisonment for a period of 04 years along with fine of ₹1,00,000/- and in default of payment of fine, to simple imprisonment for a period of six months for the offence under Section 420 read with Section 120B of IPC; simple imprisonment



for a period of one year for the offence punishable under Section 471 IPC read with Section 120B IPC and simple imprisonment for a period of one year for the offence punishable under Section 120B IPC. The sentences have been directed to run concurrently. Therefore, the maximum period of imprisonment, the appellants will have to undergo is for a period of four years.

2. The learned senior counsel appearing for the appellant/A5 in **CRL.A. 1735/2025** submitted that the latter was diagnosed with rectal cancer in the year 2023 and had undergone a surgery and subsequent chemotherapy process. It was further submitted that though at this point he has no symptoms of the disease and its related ailments, given the advanced age of the A5 and immunity condition of the cancer-recovered person, A5 requires regular checkups and to be kept under constant observation by the doctors to prevent the risk of cancer recurrence. Further, the trial took 15 long years to complete. However, A5 never misused the liberty granted to him during the pendency of the trial while he was on



bail. No exceptional reasons or circumstances are there for not suspending the sentence. Reference was made to the dictums in -

Angana and Anr. V. State of Rajasthan (2009) 3 SCC 767, Afjal Ansari vs. State of UP (2024) 2 SCC 187, Pramod Kumar Mishra v. State of UP (2023) 9 SCC 810, Shravan Kumar vs. State of UP (1985) 3 SCC 658, VK Verma vs. CBI (2014) 3 SCC 485, Ajab & Ors. Vs. State of Maharashtra 1989 supp (1) SCC 601, Vivian Roddick vs. State of West Bengal 1971 (1) SCC 468, Kiran Kumar vs. State of MP (2001) 9 SCC 211, Rajesh Kumar vs. State of NCT of Delhi [Crl.A.347/2024, decided on 21.03.2025] and Vishnubhai Ganpatbhai Patel & Anr. Vs. State of Gujarat [Criminal Appeal No. 3415/2023 decided on 03.11.2023].

2.1 It was submitted by the learned Senior Counsel for the appellant/A2 in **CRL.A. 1743/2025** that the impugned judgment suffers from a legal infirmity inasmuch as the accused persons have been convicted twice for the very same transaction and set of



acts. It was further submitted that there is no conviction recorded under Section 120B IPC; however, the appellants have nevertheless been sentenced to undergo simple imprisonment for a period of one year for the said offence. The appellant has cardiological issues which requires constant monitoring and treatment, which would not be possible if he continues in jail. Reliance has been placed on the dictums in **Aasif @ Pasha vs. The State of UP &Ors. [Crl.A.No. 3409/2025]** and **Sumeet Suri vs. State (NCT of Delhi) 2026 SCC OnLine Del 44.**

2.2. It was submitted by the learned counsel for the appellant/A3 in **CRL.A. 1750/2025** that the latter aged about 64 years, is suffering from severe diabetic neuropathy. The learned counsel for A3 drew the attention of the court to paragraph no. 99 of the impugned judgment to submit that A3 has not been named and no role has been ascribed to him. The findings recorded pertain only to A1, A2, A4 and A5, who are stated to be the authorised signatories of the 'No Lien Account' and to have issued



directions to Citibank. A3 is neither shown to be an authorised signatory nor alleged to have issued any instruction for the diversion of funds, and the conviction of the appellant is solely based on the theory of conspiracy. He further submitted that the pendency of other criminal cases is not a ground to deny the relief sought. Lastly, A3 was on regular bail during the trial, which lasted for seventeen years, and he has never misused the liberty granted to him. Reference was made to the dictums in **Shahzad v. State. 2020 SCC OnLine Del 3782, Aasif vs. State of U.P., 2025 SCC OnLine SC 1644, Radha Krishan Nair vs. State of Kerala [Crl.A. No. 90/2025, pronounced on 13.02.2025]**, **Sasikumar vs. State of Kerala [Crl.A.No. 2207/2024, pronounced on 27.02.2025]** and **Kitendra and Ors. V. State of U.P., MANU/SCOR/113900/2024**.

2.3. It was submitted by the learned counsel for the appellant/A4 in **CRL.A. 1754/2025** that the only finding in paragraphs 98 and 99 of the impugned judgment against A4 is that



of conspiracy, and the only reason A4 has been charged is that he was one of the Directors. The only involvement of A4 that has been recorded in the impugned judgment is that he signed the guarantee agreements at the inception; however, there is no criminality attached to it, as there is no forgery or fabrication involved in the signing of the documents at the inception. It is submitted that A4 is accused of transferring funds from the bank to a Citibank no-lien account and diverting them from business purposes, including signing certain payments made through that account. Since there is neither charge nor conviction under Sections 406 or 409 IPC, and as Sections 420 and 406 cannot co-exist, the alleged diversion cannot be treated as an incriminating circumstance against A4. It was submitted that the allegation that the funds obtained from the bank were used to purchase old machines instead of new machines is untenable, as the trial court itself recorded that bank officials carried out continuous and regular site inspections. Lastly, it was submitted that the A4's



passport has been impounded, and given that the case is 25 years old and the appellant has not absconded during this period, there is no likelihood that he will do so now. In support of the arguments, reference was made to the dictum in **Sumeet Suri vs. State (NCT of Delhi) 2026 SCC OnLine Del 44.**

3. The applications are vehemently opposed by the learned Special Public Prosecutor appearing for the CBI, who contended that the appellants/accused persons are repeat offenders and are being prosecuted in multiple cases of the same nature as the present one, all pending trial. Therefore, the learned SPP submitted that, considering the gravity of the offences involved and the involvement of the accused individuals in multiple cases, the present plea for suspension of the sentence do not deserve to be allowed. Further, with regard to the medical ground of appellant/A5 in **CRL.A. 1735/2025**, it was contended by the learned SPP, that the latter was diagnosed with cancer followed by surgery and chemotherapy in the year 2023. Now he has recovered



from cancer and is stable as can be seen from the medical report dated 14.01.2026 submitted by the Senior Medical Officer, Central Jail No: 02, Tihar, New Delhi. As far as the appellant/A2 in **CRL.A. 1743/2025** is concerned, pursuant to the direction of this court he was taken to AIIMS and examined. All the tests are yet to be completed and so until and unless the tests are not concluded, he may not be granted suspension on medical grounds. Reliance was placed on the dictum in **Kishori Lal v. Roopa, (2004) 7 SCC 638** and **Jai Bhagwan v. State (NCT of Delhi), 2007 SCC Online Del 1502.**

4. Heard both sides.

5. **Kishori Lal (supra)** relied on by the public prosecutor was a case in which the accused persons therein were convicted for the offence punishable under Section 302 read with Section 34 IPC. The High Court by the impugned order granted bail primarily on the ground that during trial, the accused persons were on bail and had not misused the liberties granted to them. The prayer for



suspension was opposed by the appellant/ informant supported by the respondent/ State contending that the accused persons were involved in a large number of cases and that the appellant/ informant and his family members have been threatened with dire consequences for having set the law in motion. The Apex Court reversing the order of the High Court held that the appellate court is duty bound to objectively assess the matter and to record reasons for the conclusion that the case warrants suspension of execution of sentence and grant of bail. The only factor that was considered by the High Court for directing suspension of sentence and grant of bail was the absence of allegation of misuse of liberty during the earlier period when they were on bail. This was held to be wrong and it was held that the mere fact that during the course of the trial, the accused persons were granted bail and that there was no allegation of misuse of liberty is not of much significance. The effect of bail granted during trial loses significance on completion of trial, when the accused persons have been found guilty. The



mere fact that during the period when the accused persons were on bail during trial, there was no misuse of liberty, does not, *per se*, warrant suspension of execution of sentence and grant of bail. What really was necessary to be considered by the appellate court is whether reasons existed to suspend the execution of sentence and thereafter grant bail. It was further held referring to the earlier dictums in **Vijay Kumar v. Narendra, (2002) 9 SCC 364** and **Ramji Prasad vs. Rattan Kumar Jaiswal, (2002) 9 SCC 366** that in cases involving conviction under Section 302 IPC, it should only be in exceptional cases that the benefit of suspension of sentence be granted. Holding so, the order directing suspension of sentence and grant of bail by the High Court was held to be unsustainable and was set aside.

5.1 **Jai Bhagwan (supra)** was a case involving conviction and sentence under the Prevention of Corruption Act (the PC Act). In the said case, a Sanitary Inspector, responsible for checking food being sold in open was caught red handed accepting bribe. He



was found guilty of the offences punishable under Sections 7, 13(2) read with Section 13(1)(d) of the PC Act and was convicted to rigorous imprisonment for a term of 2 years and fine under Section 7 and to rigorous imprisonment for 3 years and fine under Section 13(1)(d) of the PC Act. In the application for suspension of sentence during pendency of the appeal, it was argued on behalf of the appellant/ accused therein that since the sentence awarded was a fixed term, the Court as a normal rule should suspend the sentence and rejection of the application should be an exception relying on the dictum in **Kiran Kumar versus State of M.P., JET 2000 (1) SC 208**. It was also urged that the complainant in the said case had not supported the prosecution case fully and that since the complainant was the prime witness, the testimony of other witnesses, namely, the *panch* witnesses, should only be considered as corroborative having no value in the wake of the complainant turning hostile. This argument was rejected by this Court and it was held that the menace of the corruption has to be looked into in



the proper prospective. Corruption cannot be considered as a trivial offence. When a Health Inspector, responsible for the checking of food adulteration or food being sold in open, turns corrupt and accepts bribe, the persons who fall prey to his corruption are those poor persons who eat unhygienic food. The learned Judge then discussed about the menace of corruption and held that a perusal of Section 389 Cr.P.C. would show that suspension of sentence during pendency of the appeal is not the absolute right of the convict. The discretion to suspend the sentence vests in the Court and it is required to be exercised judicially keeping in view all facts and circumstances and nature of the offence. The Court has to exercise its discretion with utmost care and caution, balancing one's right and liberty on one hand and the interest of the society on the other. It is for this reason that despite the presumption of innocence being there during appeal, convicts in offences like murder, ransom kidnapping, culpable homicide, rape etc. are not normally granted bail, though some of them may get acquitted



after final appeal. In the criminal justice system which we have, delays have entered for various reasons and is a fact of life. Merely because there is delay in hearing of appeals, every person convicted by the trial court cannot be let loose in the society. Corruption cannot be looked upon as an ordinary crime and has to be considered as a serious crime eating away the national character and national wealth. Holding so, the application for suspension was dismissed.

6. The aforesaid dictums relied on by the learned prosecutor are not applicable to case on hand because it is neither a case under Section 302 IPC nor is it a case under the PC Act. On the other hand, the appellants/ accused persons have been found guilty of the offence of cheating, using as genuine a forged document and conspiracy.

7. The learned Public Prosecutor, during the course of hearing, handed over a list of cases pending against the appellants/ accused. It is true that there are about 10 cases pending against the



appellants/accused persons alleging the commission of similar offences involving crores of rupees. Admittedly, all those cases are pending trial and in one case, even the Charge is not seen framed. It is true that merely because the appellants/ accused persons never misused the liberty granted while on bail, is no ground to automatically grant them an order of suspension. However, the circumstances will also have to be taken into account. In CRL.A. 1735/2025, the medical report dated 14.01.2026 of the Senior Medical Officer, Dispensary, Central Jail No. 2, Tihar, New Delhi says that he is a diabetic on regular medication and has, a history of gastro intestinal cancer. He had to undergo a surgery with two cycles of chemotherapy. In CRL.A. 1743/2025, as per the medical report date 29.01.2026, pursuant to the direction of this Court, the appellant/ accused was produced before the AIIMS Hospital for medical examination. He was examined by the doctor of the cardiology department, who prescribed necessary medication. He was advised to undergo certain medical examinations which could



not be completed before the matter came up for hearing before this Court. He has been called for a review with the test reports to plan for coronary angiography. In CRL.A. 1750/2025, the medical report dated 17.01.2026 of the doctor says that apart from other ailments like diabetes and hypertension, he has peripheral neuropathy for which he is under treatment. As per medical records, the appellant/accused has uncontrolled diabetes and had been put on insulin therapy and strict diet control. He showed signs of diabetic retinopathy and diabetic neuropathy and the test reports suggested "sensory motor demyelinating axonal polyneuropathy". As per reports, the appellant/ accused had acute coronary symptoms for which he had been stented intra-cardiac 3 times in 2007, 2011 and 2019. On 16.01.2026, he was referred to Safdarjung Hospital for neurology opinion as he had reported abnormal sensation in feet with imbalance while walking/ dizziness on standing. He has been advised urgent MRI thoraco lumbar spine/ NCV four (04) limbs/ SSEP and has been further



referred for cardiology/ endocrinology opinion. As per medical report dated 14.01.2026 in CRL.A. 1754/2025, the appellant/ A4 has deep vein thrombosis in the left leg with low backache with hypothyroidism.

8. It is true that in all the aforesaid cases, the present condition of the appellants/ accused persons have been reported to be stable and there is no case of any medical emergency. It was submitted by the learned prosecutor that instead of suspending the sentence, the appeal itself may be heard and disposed of on merits and that it would not be conducive to suspend the sentence as the appellants/ accused persons are involved in multiple cases of similar nature involving crores of rupees. As noticed earlier, it is true that there are about 10 other cases of similar nature against the appellants/ accused. But mere pendency of other cases would also not be a ground to reject the suspension application unless exceptional reasons are made out. None of the accused is seen to have absconded or absented themselves during the course of the



trial. The present appeals are of the year 2025. There is no possibility of the appeals being taken up in the near future as there are several old cases and matters in which the accused therein have served a substantial portion of their sentence. Therefore, it would be practically impossible for this Court to take up the present appeals on priority basis and dispose them. Further, the sentence is only for a fixed term of 4 years. In such circumstances, the sentence can be suspended on stringent conditions.

9. The sentence shall be suspended during the pendency of the appeal on execution of personal bond of ₹1,00,000/- with two solvent sureties for the like amount each to the satisfaction of the trial court, subject to the following conditions:-

(i) The appellants/accused persons shall appear before the Station House Officer concerned on all second Saturdays between 10:30 AM and 1:00 PM.

(ii) The appellants/accused persons shall not commit any offence(s) while on bail and shall appear before this



Court as and when directed.

(iii) They shall also co-operate in the trial of the other cases pending against them and shall not seek unnecessary adjournments and prolong the trial.

(iv) The appellants shall provide their mobile number and residential address to the Station House Officer (SHO) concerned, on which they shall remain available.

In case of change of mobile number or residential address, the appellants shall promptly inform the SHO concerned as well as this Court.

(v) All the appellants shall surrender their passports, if not already surrendered before the trial court. If they do not have a passport, they shall file an affidavit to the said effect. They shall seek prior permission of this Court if they intend to go abroad or leave jurisdiction of the State.

(vi) Needless to say, in the event of violation of any of



2026:DHC:961



the aforementioned condition(s), the suspension of sentence granted shall forthwith stand cancelled.

10. With the above directions, the applications are disposed of.

11. A copy of this order be communicated electronically to the Jail Superintendent concerned for information and compliance.

12. The Registry is directed to place a copy of this order in all the connected matters.

CRL.A. 1735/2025, CRL.M.A. 38616/2025 & CRL.M.A. 38643/2025

CRL.A. 1743/2025

CRL.A. 1750/2025 and CRL.M.(BAIL) 10/2026

CRL.A. 1754/2025

13. List for hearing on 03.08.2026.

**CHANDRASEKHARAN SUDHA
(JUDGE)**

FEBRUARY 06, 2026
Kd/ER/ABP