

IN THE COURT OF MS. ANJU BAJAJ CHANDNA
PRINCIPAL DISTRICT & SESSIONS JUDGE-CUM-SPECIAL
JUDGE (PC ACT) CBI ROUSE AVENUE DISTRICT COURTS,
NEW DELHI

Misc DJ ASJ/150/2024
CNR No.DLCT11-000340-2024
ECIR No. 06/DLZO-II/2019

Ajay S. Mittal
.....Applicant/Petitioner

vs.

Directorate of Enforcement
.....Complainant/Respondent

Appearances:

Sh. Ramesh Singh, Sr. Advocate, alongwith Counsels

Sh. Sanyam Khetarpal and Ms. Prakriti Anand for
applicant/accused Ajay S. Mittal.

Applicant / Accused Ajay S. Mittal produced from JC
(through VC)

Sh. Gautam Khzanchi and Sh. Vinayak Chawla, Ld.
Counsel for accused Nitin Johari.

Sh. Zoheb Hossain, Ld. Special Counsel for ED, Sh. N.K.
Matta, Ld.SPP for ED, Sh.Simon Benjamin, Ld. SPP for
ED, Sh. Manish Jain, Ld. Counsel for ED (through VC)
Sh.Ishaan Baisla and Sh.Chandveer Shyoran, Advocates
for ED.

ORDER

03.06.2024

1. The applicant Ajay S. Mittal who is an accused in ECIR No.06/DLZO-II/2019 title Directorate of Enforcement vs Neeraj Singhal and Ors. has moved the present application seeking transfer of the proceedings from the court of Sh.Jagdish Kumar, Ld. Special Judge (PC Act), CBI-16 to some other court in the interest of justice.
2. The present plea for transfer was moved on the ground that after the proceedings of the court on 10.04.2024 were over and matter was adjourned to 25.04.2024, the wife of the applicant (who is also one of the accused) was watching the matter and could hear the judge saying to the court staff "*Iene do datein, ED matters me kaun si bail hoti hai*".
3. Vide order dated 01.05.2024, the plea for transfer of the case was allowed. The Enforcement Directorate challenged the said order before the High Court of Delhi and vide order dated 28.05.2024, the order dated 01.05.2024 has been set aside with the directions to decide the transfer petition afresh, after seeking the comments from the concerned Special Judge and taking into consideration the observations made in the judgment.
4. The comments from the Ld. Special Judge were called and have been received.
5. The applicant is seeking bail from the court. The applicant has attributed explicit bias to the Ld. Judge on the pretext of remark given which meant that bail is not available in the ED

matters. As such, petitioner expressed apprehension that he does not expect impartial hearing on his bail application from the court. As per the response of Ld. Special Judge, no such remark was made and even otherwise no comment was made relating to the fate of the bail application of the applicant.

6. In the order of High Court of Delhi dated 28.05.2024, it has been observed that even if such remark has been made by the Ld. Judge, it would not lead to the inference that Ld. Judge is having biased approach.

7. The expression and words used by judge while holding judicial proceedings are subject to multiple interpretations and inferences. In view of detailed observations of the order dated 28.05.2024, there is no ground to transfer the matter on account of allegations of bias. Accordingly, the present plea for transfer is dismissed and main case (Case No.26/2023) along with pending bail applications are withdrawn from the court of Sh.Mukesh Kumar, Ld. Special Judge, (PC Act), CBI-05 and is re-assigned to the court of Sh.Jagdish Kumar, Ld. Special Judge (PC Act), CBI-16 for adjudication and disposal as per law.

8. Parties and Counsels to appear before the court of Sh.Jagdish Kumar, Ld. Special Judge (PC Act), CBI-16 today itself at 2.00 p.m.

9. Copy of order be sent to both the courts for compliance.

10. Present transfer petition file be consigned to the record room.

(Anju Bajaj Chandna)
Principal District & Sessions Judge-
cum-Special Judge (PC Act) (CBI),
Rouse Avenue District Court
New Delhi/03.06.2024