

CASE NO.:
Appeal (crl.) 1485 of 2003
Special Leave Petition (crl.) 710 of 2003

PETITIONER:
Pusai

RESPONDENT:
State (NCT) of Delhi

DATE OF JUDGMENT: 11/12/2003

BENCH:
N.Santosh Hegde & B.P.Singh

JUDGMENT:
JUDGMENT

SANTOSH HEGDE, J.

Heard learned counsel for the parties.

Leave granted.

In this matter, we had directed the release of the appellant on bail as per order dated 25th of April, 2003. On 6th of May, 2003, we were informed that the appellant was not yet released on bail, therefore, on that date, we directed the matter to be listed the next day and called upon the respondent to explain the delay in giving effect to the bail order. On 8.5.2003, Sub-Inspector Amal Tyagi of Gokulpuri Police Station, appeared before the Court and submitted that his police station has nothing to do with the release of the appellant, as directed by this Court. Therefore, we directed the matter to be listed on 11th of July, 2003. In the said order, we also directed the Superintendent, Central Jail of Tihar No. II to be personally present in the Court. On 11.7.2003, we called upon the said officer to explain the delay in giving effect to the bail order. We also called upon the Union Territory, namely, State (in City of Delhi) to file its response.

From the response filed by the said officers, it is seen that the order made by this Court on 25th of April, 2003 was received in Central Jail of Tihar No. II only on 1.5.2003 and immediately on receipt of the same, the appellant was informed to furnish the required bond with a surety. It is on his furnishing such surety, the Trial Court, namely, the Additional Sessions Judge issued a release order on 7.5.2003. Consequent to which the appellant has been released thereafter.

Though, in this case, there has been noticeable delay in the release of the appellant in spite of the bail granted by this Court, the same is due to the procedure involved in giving effect to the bail order made by this Court and not due to any individual's laxity.

We place on record our appreciation for the assistance rendered by Shri Vijay Panjwani, learned Advocate of this Court as Amicus Curiae in the above matter. He shall be paid a fee of Rs.750/-.

For the reasons stated above, this appeal is disposed of.

JUDIS