

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1066 OF 2006

(@SPECIAL LEAVE PETITION (CRL.)NO.1848 OF 2006)

MANOJ KUMAR

APPELLANT(S)

VERSUS

STATE OF U.P. & ANR.

RESPONDENT(S)

O R D E R

Heard counsel for the appellant and counsel for the

responents.

Application for exemption from filing O.T. is granted.

Leave granted.

The second respondent herein is one of the accused in a crime

registered by the police station at Titaro, Nakud, Saharanpur (U.P.) and

the matter is now pending trial before the Sessions Judge, Saharanpur.

The 2nd respondent had moved for bail before the Sessions Judge,

which was rejected. Thereafter, he took the matter in appeal before the

High Court and by the impugned order , the learned Single Judge was

pleased to grant bail to the 2nd respondent. That is challenged by the

2

father of the deceased.

The incident had occurred on 22.09.2005 at about 10.30 a.m.

and two persons died and six others were allegedly injured. The

learned Single Judge granted bail on the ground that the 2nd

respondent, who was allegedly armed with a country-made pistol might

not have used it in view of the description of the injury in the p
ost-

mortem report. We do not think that it was a safe and proper reason

for granting bail in a case where two persons had died and other

serious allegations had been made in the F.I. Statement. We are also

told that the case has become ripe for trial but the trial is yet to begin

and two of the eye-witnesses have made complaints to the Sessions

Judge alleging that they have received threats from some of the

accused. Taking all these facts into consideration, we are constrained

to cancel the bail granted to the 2nd respondent. However, we make it

clear that the Sessions Judge, Saharanpur shall start trial of the case at the earliest and the eye-witnesses, who were proposed to be examined on the side of the prosecution, shall be examined at the earliest, at least within a period of four months. After examination of the eye-witnesses, the 2nd respondent would be at liberty to apply for bail and the learned Sessions Judge shall pass appropriate orders

3

thereon. Consequently, the impugned order is set aside and the appeal is disposed of. The 2nd

4

respondent is directed to surrender before the Sessions Judge on 30th October, 2006.

.....J.
(K.G. BALAKRISHNAN)

.....J.
(D.K. JAIN)

NEW DELHI;

17TH OCTOBER, 2006

ITEM NO.1

COURT NO.2

SECTION II

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl) No(s).1848/2006

(From the judgement and order dated 10/02/2006 in CRLMB No. 180/2006 of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

MANOJ KUMAR

Petitioner(s)

VERSUS

STATE OF U.P. & ANR.

Respondent(s)

(With appln(s) for exemption from filing O.T., stay and office report)

Date: 17/10/2006 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.G. BALAKRISHNAN

HON'BLE MR. JUSTICE D.K. JAIN

For Petitioner(s)

Mr. Dinesh Kumar Garg, Adv.

Mr.S.G.Bandyopadhyay, Adv.

Mr.B.S.Bilwaria, Adv.

Mr.Bhim Singh, Adv.

For Respondent(s)1

Mr.Irshad Ahmad, Adv.

Mr.Vikrant Yadav, Adv.

For R 2

Mr.U.U.Lalit, Sr.adv.

Mr.Virendra Singh, Adv.

Mr. Rakesh K. Sharma, Adv.

UPON hearing counsel the Court made the following

O R D E R

Heard both sides.

Application for exemption from filing O.T. is granted.

Leave granted.

The appeal is disposed of in terms of the signed order.

(G.V.Ramana)

(Veera Verma)

Court Master

Court Master

(Signed order is placed on the file)