

ITEM NO.55

COURT NO.3

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).3421/2010

(From the judgement and order dated 18/02/2010 in CRLMA  
No.100/2010 of the HIGH COURT OF UTTARAKHAND AT NAINITAL)

VED PAL &amp; ORS.

Petitioner(s)

VERSUS

STATE OF UTTARKHAND &amp; ORS.

Respondent(s)

(With appln(s) for anticipatory bail, exemption from filing c/c  
of the impugned order and office report)

Date: 14/11/2011      This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DALVEER BHANDARI

HON'BLE MR. JUSTICE DIPAK MISRA

For Petitioner(s)      Mr.      C.L. Sahu,Adv.  
   Ms.      Hema Sahu,Adv.  
   Mr.      Rajendra Sahu,Adv.  
   Mr.      Rishabh Sahu,Adv.

For Respondent(s)      Mr. Ashok Bhan,Sr.Adv.  
   Ms. Sunita Sharma,Adv.

Mr. Jatinder Kumar Bhatia,Adv.

UPON hearing counsel the Court made the following  
O R D E R

This Court on 3.5.2010 passed the following order:

"Mr. S.B. Sanyal, learned senior counsel  
appearing for the petitioners, on instructions,  
submit that the petitioners are prepared to  
deposit Rupees fifty lakhs with the Secretary  
General of this Registry within four weeks.

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For a period of four weeks, the  
petitioners shall not be arrested. In case the  
amount is not deposited within the stipulated  
period, this order would be of no avail to the  
petitioners.

Issue notice."

We are told that despite the order of this Court,  
the learned ACJM, Roorkee, District Haridwar has passed  
the following order on 26.8.2010:

"Applicant/accused Vedpal S/o Mehar Chand R/o Village Dahiyaki, P.S. Kotwali Manglore, Tehsil Roorkee, District Haridwar has moved this Application in Criminal Case No.378/2010 in Case No.(illegible).

Learned Counsel for Application/Accused has argued that the accused persons are innocent and have not committed any crime. Applicant had entered into agreement to sell and even today he is ready to perform his part of contract and as per that he is ready to execute and register the sale deed. Present case is related to sale and purchase of land and no offence u/s 420 IPC is made out against the accused. Property regarding which receipt is issued that property belongs to accused and he is owner of the same. No person on behalf of the company came forward to execute the sale deed within time otherwise he would have executed the sale deed immediately. Applicant/accused has not committed any fraud on the other hand the company has not got the sale deed registered because they could not arrange for money and have registered a case against him by giving false facts and in this regard case is pending in Civil Court. There is no possibility of accused absconding if he granted bail and there is no possibility of influencing witnesses. This also argued that bail of accused person has been accepted by (illegible) and the accused is 70 years old man and is a heart patient therefore he may be released on bail under Section 437 IPC.

Ld. Public Prosecutor has vehemently opposed bail application and has prayed that bail application be dismissed.

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I have heard the counsels. Ld. Counsel for accused Ved Pal had produced medical documents showing that accused is undergoing treatment in Bhatnagar Nursing Home, Ganesh Nagar, Roorkee (illegible) for heart ailment and he has also filed ECG report and a copy of voter identity card of Village Dahiya. The same has been perused. Apart from this it is stated that accused is 70 years old. It is in the interest of justice that looking into the old age and ailment of accused applicant/accused Ved Pal is granted bail and he may produce Bail Bond of Rs.30,000/- and bring surety."

In the facts and circumstances of this case, we direct the learned ACJM to send a report to this Court within two weeks from today, stating therein under what circumstances the aforesaid order was passed by him.

List this matter after three weeks.

In the meantime, the records from the Court of learned ACJM, Roorkee, District Haridwar be summoned.

(A.S. BISHT)  
COURT MASTER

(INDU SATIJA)  
COURT MASTER