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SLP(Crl.)No. 1940-1941 OF 2001

ITEM No.203

Court No. 4

SECTION IIA

A/N MATTER

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. 1940-1941/2001
(From the judgement and order dated 20/04/2001 in CRLM 36632/00etc.
of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

SANJAY & ORS.

Petitioner (s)

VERSUS

STATE OF HARYANA

Respondent (s)

(With Appln(s). for anticipatory bail)

(For Final Disposal)

(With Office Report)

With

SLP(Crl.)No.1942-1943/2001

(With Appln(s). for anticipatory bail)

(For Final Disposal)

(With Office Report)

Date : 25/01/2002 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.T. THOMAS

HON'BLE MR. JUSTICE S.N. PHUKAN

For Petitioner (s)

Mr. R.K. Jain,Sr.Adv.

Mr. KK Tyagi,Adv.

Mr. Iftekar Ahmad,Adv.

Mr. K.R. Nagaraja,Adv.

For Respondent (s)

Mr. J.P. Dhanda,Adv.

Ms. Raj Rani Dhanda,Adv.

Mr. KP Singh,Adv.

Mr. DS Nagar,Adv.

UPON hearing counsel the Court made the following

O R D E R

.....L.....I.....T.....T.....T.....T.....T.....T.....T.....J.

.....L.....I.....T.....T.....T.....T.....T.....T.....T.....J.

.SP2

Heard learned counsel for the parties for about ten minutes.

Leave granted.

Appeal is disposed of in terms of the signed order.

.SP1

(N.K. Goel)

Court Master

(H.K. Bhatia)

Court Master

(Signed order is placed on the file)

.....L.....I.....T.....T.....T.....T.....T.....T.....J

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL No.129-130 of 2002@@
EE
(Arising out of S.L.P. (Crl.) 1940-1941 of 2001)

Sanjay & Ors. Appellants

Vs.

State of Haryana Respondent

WITH

S.L.P. (Crl.) 1942-1943 of 2001@@
EE

Sanjay & Ors. Appellants

Vs.

State of Haryana Respondent

O R D E R@@
EEEEEEEEEE

.....L.....I.....T.....T.....T.....T.....T.....T.....J

CRIMINAL APPEAL Nos. 129-130 of 2002@@
EE
(Arising out of S.L.P. (Crl.) 1940-1941 of 2001)

Leave granted.

There are three appellants. Out of the three appellants first two are sons of Om Prakash and the third is described as the bodyguard of the former. They apprehended that they would be roped in a murder case and hence they moved an application before the High Court for an order under Section 438 of the Criminal Procedure Code. In view of the forceful opposition made by the State of Haryana the High Court dismissed the application as per the impugned order.

One Shishpal has been murdered in respect of which an F.I.R. has been lodged on 16.5.2000 in which some other persons have been arraigned as accused. One Dara Singh was arrested in connection with the said murder case. On the strength of an extra-judicial confession attributed to the said Dara Singh a person by name Chottu Ram was examined under Section 164 of the Criminal Procedure Code. The said Chottu Ram revealed the involvement of the present appellants in the murder of Shishpal.

According to the appellants the present Chief Minister of Haryana is not well disposed to think on account of earlier political rivalry. A table of relationship between appellants 1 and 2 and Om Prakash Chotala, the present Chief Minister of Haryana has been presented before us. This shows that appellants 1 and 2 and the present Chief Minister of Haryana are grand-children of patronymic of Teja Ram. Many things have been stated in the Special Leave Petitions in an attempt to satisfy us

that the appellants are being roped in deliberately in the murder case, but we refrain from expressing any opinion on such allegations.

After looking at the conspectus of the entire matter and considering the main issue that these appellants were not arraigned as accused in the F.I.R. and the further factor that they have come into the picture on the basis of extra-judicial confession spoken to by a person called Chottu Ram (against him lot of allegations have been made by the appellants that he has criminal antecedents). We are inclined to afford some relief to the appellants.

We, therefore, direct the appellants to surrender before the committal court - Chief Judicial Magistrate, Hissar within two weeks and apply for bail. The Chief Judicial Magistrate shall grant them bail on such condition as he deems fit. One such condition shall be that appellants would report before the investigating officer for the purpose of interrogation at a particular time specified in the order. After completing the interrogation we permit the investigating officer to restore any other appropriate steps which he deems necessary for the fair completion of investigation in the matter.

Learned counsel for the State made a prayer that if the investigating officer after completing investigation is satisfied about the involvement of the appellants them must be free to move for cancellation of the bail. This order will not preclude them from doing so but any such application made before the court will be disposed of only in accordance with law.

These appeals are disposed of accordingly.

Arising out of S.L.P. (Crl.) 1942-1943 of 2001@@
EE

These Special Leave Petitions are disposed of subject to the reliefs granted to the appellants in Criminal Appeal No. 129-130 of 2002 arising out of S.L.P. (Crl.) 1940-1941 of 2001.

.SP1

.....J.@@
BB
(K.T. THOMAS)@@
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.....J.@@

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(S.N. PHUKAN)@@

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NEW DELHI@@

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JANUARY 25, 2002 @@

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