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SLP(Crl.)No. 2170 OF 2004

ITEM No.2
A/N

Court No. 1

SECTION II

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

Petition(s) for Special Leave to Appeal (Crl.) No. 2170/2004
(From the judgement and order dated 02/04/2004 in Crl.MP(M) 208/04
of The HIGH COURT OF HIMACHAL PRADESH AT SHIMLA)

SURENDRA MOHAN KATWAL Petitioner (s)

VERSUS

STATE OF H.P.

Respondent (s)

(with appln.(s) for stay and permission to place additional documents on record and office report)

Date : 30/09/2004 This Petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE G.P. MATHUR
HON'BLE MR. JUSTICE P.K. BALASUBRAMANYAN

For Petitioner (s)Mr. Ankur Talwar, Adv.
Mr. Angad Mirdha, Adv.
Mr. Maninder Singh, Adv.

For Respondent (s)Mr. J S Attri, Addl. Adv. Genl., HP
Mr. Pramod Kumar Yadav, Adv.
Mr. L R Rath, Adv.

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

Leave granted.

The appeal is allowed in terms of the signed order.

(D.P. WALIA) (RADHA R. BHATIA)
COURT MASTER COURT MASTER

(Signed Order is placed on the file)

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1105 OF 2004
[arising out of SLP(Crl.) No.2170 of 2004]

Surendra Mohan Katwal... Appellant

vs.

State of Himachal Pradesh... Respondent

O R D E R

Leave granted.

As against the appellant, there are five FIRs registered at Police Station (Enforcement), North Zone, Dharamshala, which are respectively numbered as 3/2003, 4/2003, 15/2003, 1/2004 and 2/2004. These FIRs are referable to incidents which took place in February to June, 2000, September to December, 2002, July to September 2002, September 2001 to October, 2002 and November, 2001 respectively. It is not disputed that pursuant to one of the orders passed by the Court, the appellant had surrendered to custody on 12th June, 2003 and custodial interrogation did take place for three days i.e. upto 15th June, 2003.

It is also not disputed that in respect of FIR Nos. 3/2003 and 4/2003, the High Court had passed an order granting bail which is dated 11th June, 2003 in CrI.M.P.(M) Nos. 572-573 of 2003.

Out of these cases, in one the challan has been filed and in the other the challan is in the process of being filed. The present appeal is confined to FIR No. 1 of 2004.

Considering all the facts and circumstances of the case, the appeal is allowed. It is directed that in the event of the appellant being arrested he shall be released on bail on his furnishing bond in the sum of Rs. 25,000/- with two sureties in the like amount subject to the following conditions :

- (a) The appellant shall make himself available for investigation as and when required by the Investigating Officer;
- (b) The appellant shall not influence the witnesses or otherwise tamper with the evidence;
- (c) The appellant shall not leave India without the prior permission of the Court; and
- (d) The appellant shall leave his address with the Station House Officer of Police Station (Enforcement) North Zone, Dharamshala where he would be available if required.

.....CJI (R.C. LAHOTI)

.....J
(G.P. MATHUR)

.....J
(P.K. BALASUBRAMANYAN)

New Delhi;
September 30, 2004.

