

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 (Cr1) No(s).3986/2006

(From the judgement and order dated 24/04/2006 in CRLA No. 1447/2005 of The  
HIGH COURT OF U.P AT LUCKNOW)

IMRAN ALI

Petitioner(s)

VERSUS

HABIBULLAH AND ANR

Respondent(s)

(With appln(s) for exemption from filing O.T.)

WITH SLP(Cr1) NO. 3987 of 2006

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

SLP(Cr1) NO. 3988 of 2006

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

Date: 19/03/2007 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.P. SINGH

HON'BLE MR. JUSTICE H.S. BEDI

For Petitioner(s)

Mr. Samir Ali Khan, Adv.

Mr. Rishad Murtaza, Adv.

Mr. Amit Kumar, Adv.

Mr. Gaurav Dhama, Adv.

For Respondent(s)

Mr. U.U.Lalit, Sr.Adv.

Mr. Kunwar C.M.Khan, Adv.

Mr. Imran K. Burney, Adv.

Mr. Zafar Khan, Adv.

Mr. E.C. Vidya Sagar,Adv.

UPON hearing counsel the Court made the following

O R D E R

The Special Leave Petitions are disposed of in terms of  
the  
signed order.

(Sukhbir Paul Kaur)

Court Master

(Vijay Dhawan)

Court Master

(Signed reportable order is placed on the file)

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

SPECIAL LEAVE PETITION(CRL.)NO.3986 OF 2006

IMRAN ALI

.....PETITIONER(S)

VERSUS

HABIBULLAH AND ANR.

...RESPONDENT(S)

WITH SPECIAL LEAVE PETITION(CRL.) NO.3987 OF 2006

SPECIAL LEAVE PETITION(CRL.) NO.3988 OF 2006

O R D E R

We have heard counsel for the parties.

It is no doubt true that the High Court felt persuaded to grant

bail to the respondents in the pending appeal before it. The High

Court however, went on to record a very detailed reasoned order

virtually holding that the prosecution case has no merit. Such

observations either for or against the prosecution, made in orders

disposing of bail applications may prejudicially affect the interest of the

parties because in case a trial is pending before the Sessions Court, the

Trial Judge may consider itself bound by the observations made in such

an order. In any event such observations are bound to influence its

mind. It is no doubt true that in appropriate cases particularly in

serious matters, the High Court may record reasons, but the High

Court while recording reasons must take care to safeguard against prejudicing the case of the parties. The recording of reasons, wherever necessary, is only to indicate the considerations that may have weighed

in a with the Court in passing the order and the Court must do so manner that may not prejudice the case of the parties. The t recently noticed, to virtually write a judgment while disposing of an application for grant of bail must be discouraged.

e While not upsetting the order passed by the High Court, w observe that the findings recorded in the order granting bail ought to be eschewed when the appeal itself is taken up for hearing.

The Special Leave Petitions are disposed of accordingly.

.....J.  
(B.P.SINGH)

.....J.  
(H.S.BEDI)

NEW DELHI ;

MARCH 19, 2007