



behalf of respondents.

3. We have heard learned counsel for the appellant.

4. This is a matter where the appellant-accused had moved the High Court for quashing of the FIR. However, the High Court, while observing in the impugned order that though the appellant was not named in the FIR, his name was disclosed by some other co-accused, passed the following strange direction:

"It is directed that the petitioner shall not be arrested in above-mention case, till the credible evidence is not collected by the I.O. during investigation in view of Jogender Kumar vs. State of U.P. 1994 Cr.L.J. 1981"

5. We are unable to follow this order. We, therefore, set aside the impugned order of the High Court and remit this matter to the High Court with a request to decide it

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afresh on merits within six months from the date of the communication of this order.

6. The appeal is disposed of accordingly.

.....J.  
(V.S.SIRPURKAR)

.....J.  
(T.S.THAKUR)

New Delhi,  
July 18, 2011.