

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).7537/2010

(From the judgement and order dated 13/08/2010 in CRLMC No. 3022/2009 of The HIGH COURT OF DELHI AT N. DELHI)

RAMAN KUMR JUNEJA Petitioner(s)

VERSUS

STATE (NCT OF DELHI) Respondent(s)

(With appln(s) for stay,impleadment and office report)

Date: 02/03/2011 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B. SUDERSHAN REDDY
HON'BLE MR. JUSTICE SURINDER SINGH NIJJAR

For Petitioner(s)

Mr. Siddharth Luthra, Sr.Adv.
Mr. Aditya Kumar Choudhary, Adv.
Ms. Supriya Juneja, Adv.
Ms. Gargi Khanna, Adv.
Mr. Dharmendra Kumar Sinha,Adv.

For Respondent(s)

Mr. Shekhar Kumar,Adv.

Mr. J.S. Attri, Sr.Adv.
Mr. Mukesh Verma, Adv.
Mrs Anil Katiyar, Adv.

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

The application for impleadment is ordered.
Leave granted.
The appeal is disposed of in terms of the signed
order.

(Sukhbir Paul Kaur)
Court Master

(Renuka Sadana)
Court Master

(Signed Order is placed on the file)

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.629 OF 2011
(Arising out of SLP(Crl.)No.7537 of 2010)

RAMAN KUMAR JUNEJA Appellant(s)

Versus

STATE (NCT OF DELHI) Respondent(s)

O R D E R

The application for impleadment is ordered.

We have heard learned senior counsel for the parties.

Leave granted.

The appellant is facing trial under Section 406, 420 read with Section 120B of the Indian Penal Code (in short 'the IPC'). The learned Magistrate by the Order dated 18th February, 2009 having considered the matter in right perspective and having taken the relevant facts into consideration directed the release of the appellant herein on bail subject to certain conditions mentioned in the order.

That order was challenged by the State before the learned Additional Sessions Judge. The learned Additional Sessions Judge by Order dated 26th August

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2009 cancelled the bail granted by the Trial Court and in the process the learned Judge made certain observations which may affect and cause prejudice to either of the parties. The said order is confirmed by the High Court. The High Court made some further observations almost finding the appellant to be guilty of the charge. We express our reservation in the manner in which the High Court disposed of the bail application. In our considered opinion, no observation as such, on the merits of the case could have been made by the High Court and even by the Session Court.

Admittedly, the appellant is not involved in any other case. He is aged about more than 65 years. He has already deposited his Passport in the Trial Court and therefore, it cannot be said that the

appellant would not be available to face the trial.

For the aforesaid reasons, the impugned order is set aside. The order passed by the Trial Court viz. the learned Magistrate shall stand restored.

It is needless to observe that the observations made by the learned Additional Sessions Judge as well as by the High Court shall have no

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bearing whatsoever on the merits of the case and the trial shall have to go on its own merits.

The appeal is, accordingly, disposed of.

The amount of Rs.50 lacs stated to have been deposited by the appellant herein shall remain in deposit with the Registry of the High Court.

.....J.
(B.SUDERSHAN REDDY)

.....J.
(SURINDER SINGH NIJJAR)

New Delhi,
March 02, 2011