

ITEM NO.22

Court 14 (Video Conferencing)

SECTION II-B

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SPECIAL LEAVE PETITION (CRIMINAL) Diary No. 11581/2021

(Arising out of impugned final judgment and order dated 29-04-2021 in CRMM No. 8112/2020 passed by the High Court of Punjab & Haryana at Chandigarh)

CHUNNI LAL GABA

Petitioner(s)

VERSUS

ASSISTANT DIRECTOR,
DIRECTORATE OF ENFORCEMENT

Respondent(s)

(FOR ADMISSION and I.R. and IA No.66481/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.66482/2021-EXEMPTION FROM FILING AFFIDAVIT and IA No.66476/2021-PERMISSION TO FILE SLP WITHOUT CERTIFIED/PLAIN COPY OF IMPUGNED ORDER)

Date : 15-06-2021 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE HEMANT GUPTA
HON'BLE MR. JUSTICE V. RAMASUBRAMANIAN
(VACATION BENCH)

For Petitioner(s)

Mr. Vikram Chaudhari, Sr. Adv.
Mr. Harshit Sethi, Adv.
Mr. Keshavam Chaudhri, Adv.
Mr. Rishi Sehgal, Adv.
Ms. Ria Khanna, Adv.
Mr. Gautam Awasthi, AOR

For Respondent(s)

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

Permission to file SLP without certified/plain copy of
impugned order granted.

The present special leave petition is directed against

an order whereby the request for hearing of an application for bail under Section 439 of the Code of Criminal Procedure, 1973, pending since 28.02.2020, was declined.

Normally, we do not interfere with an interim order passed by the High Court but we are constrained to pass the present order as we are shocked to see that the bail application under Section 439 CrPC is not being listed for hearing for more than one year. The accused has a right to hearing of his application for bail. In fact, the denial of hearing is an infringement of right and liberty assured to an accused.

Even during the pandemic, when all Courts are making attempts to hear and decide all matter, non-listing of such an application for bail defeats the administration of justice. Under the prevailing pandemic, at least half of the judges should sit on alternative days so that hearing is accorded to the person in distress. Non-listing of application for regular bail, irrespective of seriousness or lack thereof, of the offences attributed to the accused, impinges upon the liberty of the person in custody.

Therefore, we hope that the High Court will be able to take up the application for bail at an early date so that the right of the accused of hearing of application for bail is not taken away by not entertaining such application on the mentioning memo.

Let the Registrar General of the High Court bring this Order to the notice of the competent authority to take remedial steps at the earliest.

The special leave petition stands disposed of accordingly.

Pending applications stand disposed of.

(NIDHI AHUJA)
AR-cum-PS

(NISHA TRIPATHI)
BRANCH OFFICER