

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL Appeal No(s).1128/2019  
(@ Special Leave to Appeal (CrI.) No(s). 5236/2019)

SHAHZAD

Petitioner(s)

VERSUS

THE STATE OF UTTAR PRADESH & ANR.

Respondent(s)

O R D E R

Leave granted.

In the present case, crime was registered pursuant to FIR No.1176 of 2018 dated 22.12.2018 registered with P.S. Khatauli, Distt. Muzaffarnagar in respect of offence punishable under Section 302 IPC.

During the course of investigation undertaken pursuant to registration of crime, the respondent No.2 and his brother-in-law were found to be involved and the investigation revealed that they had shot the deceased with fire arms.

The charge-sheet was filed in due course and the charges were framed by the concerned Court and presently, the matter is posted for trial.

In the meantime, the respondent No.2 preferred Criminal Misc. Bail Application No.22078 of 2019 in the High Court of Judicature at Allahabad under Section 439 Cr.P.C. seeking bail. That application came to be allowed by the High Court by order dated 27.05.2019 which is presently under appeal at the instance of the

original complainant.

We have heard learned counsel for the complainant as well as for Respondent No.2. We need not deal with factual aspects of the matter in detail but suffice it to say that according to the prosecution, the deceased was taken in a car by two persons including Respondent No.2 and after some time, was dragged out of the car and shot dead. There were two bullet injuries in the head and the body was thereafter dumped. The car belonged to the respondent No.2 and soon after the incident, car was got washed. Despite such attempts, there were still blood-stains which could be found in the car.

It is true that there is no eye-witness to the occurrence but the material circumstances on record certainly raise suspicion against respondent No.2 and the co-accused.

It is also relevant to note that before his release on bail, the respondent No.2 had undergone imprisonment for a period of seven months only.

In the circumstances, in our considered view, the High Court ought not to have released the respondent No.2 in a crime relating to an offence under Section 302 IPC.

We therefore, allow this appeal and set aside the order passed by the High Court in the present matter.

We are informed that the respondent No.2 is still inside jail in connection with another crime. Be that as it may, the order granting bail in the present matter stands set aside and will not enure to his advantage any more.

Since the charges have been framed and it was submitted across the bar that the matter was posted today for evidence of PW-1, we direct the trial court to conclude the proceedings as early as possible and preferably within six months from today.

Needless to say that the merits of the matter will be gone into by the concerned courts independently and without being influenced by any of the observations made in the present matter.

.....J.  
(UDAY UMESH LALIT)

.....J.  
(VINEET SARAN )

New Delhi  
July 24, 2019.

