

ITEM NO.30

COURT NO.4

SECTION II

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 (CrI.) No(s). 5178/2019

(Arising out of impugned final judgment and order dated 31-05-2019 in FBA No. 1102/2019 passed by the High Court Of Uttarakhand At Nainital)

QAZI MOHAMMED NOORUDDIN

Petitioner(s)

VERSUS

THE STATE OF UTTARAKHAND

Respondent(s)

(FOR ADMISSION IA No. 87910/2019 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 14-06-2019 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE AJAY RASTOGI
HON'BLE MR. JUSTICE SURYA KANT
(VACATION BENCH)

For Petitioner(s)

Ms. Amita Singh Kalkal, AOR

For Respondent(s)

Mr. Ashutosh Kumar Sharma, Adv.
Mr. Jatinder Kuma Bhatia, Adv.

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

Heard learned counsel for the parties.

We consider appropriate that the present petition deserves to be examined on merits. Taking note of the view expressed by three Judge Bench Judgment in Rakesh Kumar Paul Vs. State of Assam - (2017) 15 SCC 67 and also the fact that out of three accused, two have been enlarged on statutory bail under Section 167(2) of Cr. P.C. and the present application for statutory bail filed by the petitioner is rejected by High Court of Uttarakhand.

Keeping the issue pending for consideration, learned counsel for the petitioner submits that liberty may be granted to the petitioner for filing regular bail application under section 439 of Cr. P. C..

Keeping the issue raised in the instant petition pending consideration, we grant indulgence to the petitioner for moving an application under Section 439 of Cr. P.C. and if such an application is filed, it is expected from the Trial Court to examine it on its own merits without being influenced/inhibited by any observations made in the impugned orders and decide the same expeditiously in accordance with law.

List the matter in the month of July, 2019 on a non-miscellaneous day.

(DEEPAK SINGH)
COURT MASTER (SH)

(RENU KAPOOR)
COURT MASTER (NSH)