

ITEM NO.50

COURT NO.4

SECTION IIB

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

PETITION(S) FOR SPECIAL LEAVE TO APPEAL (CRL.) NO(S). 6086/2016
(ARISING OUT OF IMPUGNED FINAL JUDGMENT AND ORDER DATED 09/05/2016
IN CRM NO. 12459/2016 IN CRAD NO. 45/2016 PASSED BY THE HIGH COURT
OF PUNJAB & HARYANA AT CHANDIGARH)

JALBIR SINGH

PETITIONER(S)

VERSUS

STATE OF HARYANA AND ORS.

RESPONDENT(S)

Date : 10/03/2017 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE RANJAN GOGOI
HON'BLE MR. JUSTICE NAVIN SINHA

For Petitioner(s)

Mr. Manoj Swarup, Adv.
Mr. Himanshu Sharma, Adv.
Mr. Soheb Rahman, Adv.
Mr. Keshav Partap Singh, Adv.
Mr. Aditi Sharma, Adv.
Mr./Ms. Seeta Ram Sharma, Adv.
Ms. Archana Pathak Dave, Adv.

For Respondent(s)

Mr. Devender Kumar Saini, Adv.
Mr. Sanjay Kumar Visen, Adv.

Mr. Amarjit Singh Virk, Adv.
Mr. Pushpinder Singh, Adv.
Ms. Anurag Rana, Adv.
Ms. Shalini Kaul, Adv.

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

Leave granted.

The appeal is disposed of in terms of the signed
order.

[VINOD LAKHINA]
COURT MASTER

[ASHA SONI]
COURT MASTER

[SIGNED ORDER IS PLACED ON THE FILE]

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO.521 OF 2017
[Arising out of Special Leave Petition
(Criminal) No.6086/2016]

JALBIR SINGH . . . APPELLANT

VERSUS

STATE OF HARYANA AND
ORS. . . . RESPONDENTS

ORDER

1. Leave granted.
2. We have heard the learned counsels for the parties.
3. Aggrieved by the order of the High Court dated 9th May, 2016 refusing suspension of the sentence the appellant is before this Court. The appellant has been convicted under Section 302/34 IPC and sentenced to undergo life imprisonment.

4. Though the period of custody suffered is little over a year there is one aspect to the case which would deserve due notice. The findings against the appellant and his wife appear to be on composite allegations that they were jointly found involved in the commission of the offence(s). By order dated 30th March, 2016 passed by the High Court in Criminal Misc. No.4383 of 2016 in Criminal Appeal No.D-45-DB of 2016 the wife of the appellant who was accused No.2 has been granted bail. Notwithstanding that the said order is under challenge before this Court at the instance of the complainant, we have taken note of what has been recorded in the order of the High Court dated 30th March, 2016. It is our considered view that though the accused No.2 i.e. wife of the appellant is no more, yet, the High Court while considering the

bail of the accused appellant ought to have taken into account its previous order dated 30th March, 2016 granting bail in favour of the accused No.2 i.e. wife of the accused appellant.

5. We have also taken note of the fact that the High Court had permitted the appellant to renew his prayer for bail after one year. The aforesaid period of one year is nearly over. Disposal of the appeal before the High Court is also likely to take some time.

6. On the aforesaid facts, we are inclined to release the accused appellant on bail. Therefore, the appellant is ordered to be released on bail to the satisfaction of the learned trial Court in connection with Sessions Case No.564 of 2013.

7. The learned trial Court is free to impose appropriate condition(s) as it deems fit.

8. Consequently, the order of the High Court is set aside and the present appeal is disposed of in the above terms.

.....,J.
(RANJAN GOGOI)

.....,J.
(NAVIN SINHA)

NEW DELHI
MARCH 10, 2017