

ITEM NO.27                      Court 3 (Video Conferencing)                      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 (Cr1.) No(s). 4857/2020

(Arising out of impugned final judgment and order dated 30-06-2020 in SBCRA(SB) No. 786/2020 passed by the High Court Of Judicature For Rajasthan At Jaipur)

STATE OF RAJASTHAN

Petitioner(s)

VERSUS

ASLAM SHER KHAN @ CHINTU

Respondent(s)

(FOR ADMISSION and I.R. and IA No.102114/2020-EXEMPTION FROM FILING O.T. & IA No. 102114/2020 - EXEMPTION FROM FILING O.T.)

WITH

SLP(Cr1) No. 6845/2020 (II)

IA No. 137088/2020 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 137092/2020 - EXEMPTION FROM FILING O.T.)

Date : 06-01-2022 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR  
HON'BLE MR. JUSTICE C.T. RAVIKUMAR

For Petitioner(s)      Dr. Manish Singhvi, Sr.Adv.  
                                    Mr. Arpit Parkash, Adv.  
                                    Mr. D. K. Devesh, AOR

Ms. Charu Mathur, AOR

For Respondent(s)      Ms. Charu Mathur, AOR

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

SLP(Cr1.)No. 4857/2020

This special leave petition is directed  
against the order dated 30.06.2020 passed by

the High Court of Judicature for Rajasthan, Bench at Jaipur in S.B. Criminal Appeal (SB) No.786/2020, directing release of the respondent on bail in connection with F.I.R. No.164/2019.

It is not in dispute that the respondent has been convicted for another offence punishable under Section 302 of I.P.C., amongst others. His appeal against conviction is pending before the High Court being Criminal Appeal No.594/2009. During the pendency of that appeal, the respondent was granted bail by this Court vide order dated 07.03.2014. The State had filed application in the said appeal, disposed of by this Court granting bail to the respondent, in which this Court directed the High Court to examine the grievance of the prosecution vide order dated 04.12.2020. Pursuant to that order, the High Court opined that the respondent ought not to be released on bail in connection with offence in respect of which he has already been convicted and pending appeal being Criminal Appeal No.594/2009.

Consequent to that order, the respondent has been arrested on 28.01.2021 and he is confined in Central Jail at Ajmer in connection with the offence which is subject matter of Criminal Appeal No.594/2009.

In that view of the matter, it is not necessary to examine the correctness of the impugned decision dated 30.06.2020. As and when, the respondent is likely to be released consequent to acquittal by the High Court in connection with Criminal Appeal No.594/2009, it will be open to the petitioner to revive this special leave petition so that appropriate order can be passed after hearing the other side. In other words, the respondent shall continue to remain in jail until the disposal of Criminal Appeal No.594 of 2009 by the High Court of Judicature for Rajasthan, Bench at Jaipur.

The special leave petition and pending applications are disposed of accordingly.

SLP(Cr1) No. 6845/2020

This petition takes exception to the order dated 24.11.2020 passed by the High Court of Judicature for Rajasthan, Bench at Jaipur rejecting the grant of anticipatory bail to the petitioner herein.

It is stated across the Bar that the petitioner herein has since been arrested in connection with the offence in question being F.I.R. No.164/2019 registered at Police Station Gumanpura, District Kota, Rajasthan. In that view of the matter, nothing survives for consideration in this petition. The same is accordingly dismissed.

Dr. Manish Singhvi, learned senior counsel appearing for the State in connected matter (SLP(Cr1.)No. 4857/2020) submits that he has no instructions about the factual position stated across the Bar by Ms. Charu Mathur, learned counsel appearing for the petitioner herein.

In that case, we make it clear that if the petitioner has not been arrested so far in

connection with the stated F.I.R., the Investigating Officer must proceed to do so forthwith in accordance with law.

Pending applications shall stand disposed of.

(NEETU KHAJURIA)  
COURT MASTER

(VIDYA NEGI)  
COURT MASTER