

ITEM NO.45

COURT NO.14

SECTION II

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 (Cr1.) No(s). 1367/2020

(Arising out of impugned final judgment and order dated 29-11-2019 in WPCRL No. 2083/2019 passed by the High Court Of Uttarakhand At Nainital)

ASHOK KUMAR CHAUHAN

Petitioner(s)

VERSUS

THE STATE OF UTTARAKHAND & ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.26667/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.26666/2020-EXEMPTION FROM FILING O.T. and IA No.27393/2020-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 17-02-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MS. JUSTICE INDIRA BANERJEE

HON'BLE MR. JUSTICE A.S. BOPANNA

For Petitioner(s) Mr. Mukul Rohtagi, Sr. Adv.
Mr. M.C. Dhingra, Adv.
Md. Farhan Khan, Adv.
Mr. Farah Hashmi, Adv.
Mr. Gaurav Dhingra, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following

O R D E R

We do not find any ground to interfere with the impugned order of the High Court declining to exercise extra ordinary jurisdiction under Article 226 of the Constitution of India to quash the second FIR (FIR No. 518 of 2019) against the petitioner.

The petitioner may surrender within three weeks and apply for bail in the concerned Court. The application for bail shall be considered with utmost expedition preferably on the same day. In the meanwhile, no coercive steps shall be taken against the petitioner.

It will obviously be open to the petitioner to cite precedents and refer to the orders passed by the High Court of Uttarakhand in WPCRL Nos. 1089 , 2012,1956 and 2070 of 2019 dated 16.07.2019,15.11.2019, 22.11.2019 and 25.11.2019 respectively.

The application for bail shall, however, be decided in accordance with law, on its own merit, without being influenced by any observations in this order or in the impugned order of the High Court.

With the above said observations, the special leave petition is disposed of.

(NEELAM GULATI)
AR-cum-PS

(RAJINDER KAUR)
ASSISTANT REGISTRAR