

ITEM NO.30

Court 1 (Video Conferencing)

SECTION II-C

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 for Special Leave to Appeal (Cr1.) No.5476/2021

(Arising out of impugned final judgment and order dated 23-07-2021 in WPCR No. 444/2021 passed by the High Court of Chhattisgarh at Bilaspur)

GURJINDER PAL SINGH

Petitioner(s)

VERSUS

THE STATE OF CHHATTISGARH

Respondent(s)

(FOR ADMISSION and I.R. IA No. 123389/2021 - EXEMPTION FROM FILING O.T. IA No. 97714/2021 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

WITH

SLP(Cr1) No. 5477/2021 (II-C)

(FOR EXEMPTION FROM FILING O.T. ON IA 122228/2021 IA No. 122228/2021 - EXEMPTION FROM FILING O.T.)

SLP(Cr1) No. 7193/2021 (II-C)

(IA FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA 123873/2021, FOR EXEMPTION FROM FILING O.T. ON IA 124039/2021, IA No. 124039/2021 - EXEMPTION FROM FILING O.T., IA No. 123873/2021 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 01-10-2021 These matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE SURYA KANT

HON'BLE MS. JUSTICE HIMA KOHLI

For Petitioner(s)

Mr. Fali S. Nariman, Sr. Adv.

Mr. Vikas Singh, Sr. Adv.

Mr. Abhishek Amritanshu, Adv.

Mr. Amit Pawan, AOR

Mr. Hassan Zubair Waris, Adv.

Mr. Samir Ali Khan, Adv.

Mr. Akshat Srivastava, Adv.

Ms. Shvangi, Adv.

For Respondent(s)

Mr. Mukul Rohatgi, Sr. Adv.

Mr. S.C. Verma, Sr. Adv./AG

Mr. Sumeer Sodhi, AOR  
Mr. Abhishek Lalwani, Adv.

For CBI

Mr. Tushar Mehta SG  
Mr. S.V. Raju, ASG  
Mr. Sourav Mishra, Adv.  
Mr. Kanu Agrawal, Adv.  
Deepabail Dutta, Adv.  
Mr. Arvind Kumar Sharma, AOR

UPON hearing the counsel the Court made the following

O R D E R

SPECIAL LEAVE PETITION (CRL.) NO.5476/2021 & SPECIAL LEAVE  
PETITION (CRL.) No. 5477/2021 :-

The Court is convened through Video Conferencing.

This Court on 26-8-2021, *inter alia*, passed the following orders in the above captioned two Special Leave Petitions:-

"We have heard Mr. Fali S. Nariman, learned Senior counsel appearing for the petitioner in Special Leave Petition (Crl.) No.5476 of 2021, Mr. Vikas Singh, learned Senior counsel appearing for the petitioner in Special Leave Petition (Crl.) No.5477 of 2021, Mr. Mukul Rohatgi, learned Senior counsel and Mr. Rakesh Dwivedi, learned Senior counsel appearing for the State of Chhattisgarh.

Issue notice in both the matters returnable after four weeks.

Learned Senior counsel appearing for the State of Chhattisgarh accept and waive formal notice on behalf of the said State.

In the meantime, the State is directed not to arrest the petitioner in both the matters until further orders.

The petitioner is directed to participate in the inquiry/investigation and fully cooperate with the investigating agency without fail.

The Respondents are permitted to meanwhile file counter affidavit(s) in the matters.

List the matters after the filing of the counter affidavit(s).

**SPECIAL LEAVE PETITION (CRL) No. 7193/2021:-**

This Court on 27-9-2021, *inter alia*, passed the following Order:-

"We have heard Mr. Vikas Singh, learned Senior counsel appearing for the petitioner and carefully perused the material available on record.

It is a matter of record that the present petitioner has also filed Special Leave Petition (Crl) Nos. 5476 and 5477 of 2021 relating to two separate FIRs registered against him wherein this Court has issued notice and granted interim protection vide order dated 26-08-2021. These matters have been tentatively listed for 01-10-2021.

In view of the above, issue notice in present Special Leave Petition, returnable on 01-10-2021.

Dasti service, in addition, is permitted.

In the meantime, interim protection from arrest is granted to the petitioner till 01-10-2021.

The petitioner is directed to participate in the inquiry/investigation and fully cooperate with the investigating agency without fail.

The Respondents are permitted to meanwhile file counter affidavit(s) in the matters.

The Registry is directed to list this matter along with Special Leave Petition (Crl.) Nos.5476 & 5477 of 2021 on 01-10-2021.

We have heard Mr. Fali S. Nariman, learned Senior counsel appearing for the petitioner in Special Leave Petition (Crl.) No.5476/2021, Mr. Vikas Singh, learned Senior counsel appearing for the petitioner in Special Leave Petition (Crl.) No.5477/2021 and Special Leave Petition (Crl.) No.7193 of 2021 and Mr. Mukul Rohatgi, learned Senior counsel appearing for the State of Chhattisgarh at a considerable length.

After carefully perusing the material available on record, we are not inclined to go into the merits of the cases relating to the

Special Leave Petition (Crl.) No.5476/2021 and Special Leave Petition (Crl.) No.7193/2021, as the High Court is already seized of the matters.

In view of the above, we request the High Court to decide the petitions, pending adjudication before it, preferably within a period of 2 months from the date of communication of this order.

The interim protection granted by this Court to the petitioner in these two matters shall continue to operate till the said matters are decided by the High Court.

With the above observations, the Special Leave Petitions and all the pending applications filed in the matters are disposed of.

So far as the case relating to Special Leave Petition(Crl.) No.5477/2021 is concerned, we are not inclined to interfere with the impugned order passed by the High Court, to the extent it declines protection against arrest. The High Court in its impugned Order had observed in para 37 that the petitioner has not filed bail application under Section 438 of the Code of Criminal Procedure, 1973 and, therefore, he is not entitled to get any interim relief as prayed for by him.

The Special Leave Petition is, accordingly, dismissed.

However, we request the High Court to decide the petition, pending adjudication before it, as expeditiously as possible.

Consequent upon dismissal of the Special Leave Petition, interim protection granted to the petitioner on 26-8-2021 in Special Leave Petition (Crl.) No.5477 of 2021 stands vacated.

The petitioner would be at liberty to avail the remedy as may be available under law.

All the pending applications filed in these matters also stand disposed of.

(VISHAL ANAND)  
ASTT. REGISTRAR-cum-PS

(R.S. NARAYANAN)  
COURT MASTER (NSH)