

Revised

ITEM NO.33

COURT NO.4

SECTION X

**S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS**

Writ Petition(s)(Criminal) No(s).279/2022

MOHAMMED ZUBAIR

Petitioner(s)

VERSUS

STATE OF NCT OF DELHI & ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.98584/2022-INTERIM BAIL and IA No.98585/2022-EXEMPTION FROM FILING O.T. and IA No.98261/2022-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES and IA No.98265/2022-APPLICATION FOR PERMISSION)

Date : 20-07-2022 This petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE A.S. BOPANNA

For Petitioner(s) Ms. Vrinda Grover, Adv.
Mr. Soutik Banerjee, Adv.
Ms. Devika Tulsiani, Adv.
Mr. Mannat Tipnis, Adv.
Mr. Aakarsh Kamra, AOR

For Respondent(s) Ms. Garima Prashad, Sr. Adv./AAG UP
Mr. Adarsh Upadhyay, AOR
Mr. Harsh Mishra, Adv.
Mr. Aman Pathak, Adv.

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

1 In terms of the signed reportable judgment, we allow the petition in part in terms of the following directions:

- (i) The petitioner shall stand enlarged on interim bail, subject to his filing a personal release bond in the amount of Rs 20,000 in connection with the following FIRs:
- a) FIR No. 502/2021, dated 15.06.2021, PS Loni Border, district Ghaziabad u/s 153, 153-A, 295-A, 505, 120-B and 34 IPC.
 - b) FIR No. 193/2021 dated 27.08.2021 registered at PS Chandauli for offences punishable under Section 67 of IT Act.
 - c) FIR No. 511/2021, dated 18.09.2021, PS Mohamadi district Lakhimpur, u/s 153-A, 153B/505(1)8 and 505(2) IPC.
 - d) FIR No. 226/2022 dated 01.06.2022, PS Khairabad, district Sitapur, u/Sec 295-A(2) IPC and Section 67 of IT Act.
 - e) FIR No. 286/2022 dated 10.06.2022, PS Sikandrarao, Hathras, u/s 147, 149, 153A, 353, 188, 120-B of IPC and u/s 7 of the CLA Act; and
 - f) FIR No. 237/2022, dated 04.07.2022, PS Hathras Kotwali on a complaint dated 14.06.2022 u/Sec 153-A, 295-A, 298 IPC and section 67 of the IT Act;
- (ii) As regards Crime No 199 of 2021 dated 24 July 2021 registered at PS Charthawal, Muzaffarnagar, the charge-sheet under Section 173 of CrPC has been filed. The proceedings in respect of the said Case Crime shall stand transferred to the Chief Judicial Magistrate, Patiala House Courts and shall be taken up from the stage that has been reached before the earlier Court. The petitioner has been enlarged on bail. The order enlarging the petitioner on bail shall continue to remain in force;

- (iii) The investigation into the FIRs set out in paragraph (i) above shall stand transferred from the Uttar Pradesh Police to the Special Cell of the Delhi Police. As a consequence, the SIT which was constituted by the Director General of Police, Uttar Pradesh on 10 July 2022, shall stand disbanded;
- (iv) The directions contained in (i) and (iii) above shall stand extended to any other FIR which may be registered against the petitioner hereafter in respect of the same subject matter as the above FIRs in which event (a) the investigation of the FIR shall stand transferred to the Special Cell of the Delhi Police; (b) the petitioner shall be entitled to the order of interim bail, as set out above.
- (v) The petitioner would be at liberty to pursue his rights and remedies in proceedings under Article 226 of the Constitution / Section 482 of CrPC before the High Court of Delhi in respect of the FIRs which have been or which may be registered against him, and in that event, nothing contained in this judgment shall amount to an expression of opinion on the merits of such proceedings; and
- (vi) The bail bonds in compliance with the above direction shall be presented before the Chief Judicial Magistrate at the Patiala House Courts, Delhi. Immediately upon the presentation of the bail bonds, the Superintendent at the Tihar Jail shall take necessary steps to ensure that the petitioner is released from judicial custody no later than by 6 pm today.

2 Pending application, if any, stands disposed of.

(SANJAY KUMAR-I)
DEPUTY REGISTRAR

(SAROJ KUMARI GAUR)
COURT MASTER

(Signed reportable judgment is placed on the file)

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Mr. Adarsh Upadhyay, AOR
Mr. Harsh Mishra, Adv.
Mr. Aman Pathak, Adv.

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

- 1 The judgment which has been dictated in the open Court may take some time to be transcribed. The operative order which has been pronounced is set out below:

The petitioner shall stand enlarged on interim bail, subject to his filing a personal release bond in the amount of Rs 20,000 in connection with the following FIRs:

- a) FIR No. 502/2021, dated 15.06.2021, PS Loni Border, district Ghaziabad u/s 153, 153-A, 295-A, 505, 120-B and 34 of the Indian Penal Code, 1860.
 - b) FIR No. 193/2021 dated 27.08.2021 registered at PS Chandauli for offences punishable under Section 67 of the Information Technology Act 2000.
 - c) FIR No. 511/2021, dated 18.09.2021, PS Mohamadi district Lakhimpur, u/Sec 153-A, 153B/505(1)8 and 505(2) IPC.
 - d) FIR No. 226/2022 dated 01.06.2022, PS Khairabad, district Sitapur, u/Sec 295-A(2) IPC and Section 67 of the Information Technology Act 2000.
 - e) FIR No. 286/2022 dated 10.06.2022, PS Sikandrarao, Hathras, u/s 147, 149, 153A, 353, 188, 120-B of the Indian Penal Code, 1860 and u/s 7 of the CLA Act;
 - f) FIR No. 237/2022, dated 04.07.2022, PS Hathras Kotwali on a complaint dated 14.06.2022 u/Sec 153-A, 295-A, 298 IPC and section 67 of the IT Act.
- 2 As regards Crime No 199 of 2021 dated 24 July 2021 registered at PS Charthawal, Muzaffarnagar, the charge-sheet under Section 173 of the Code of Criminal Procedure 1973 has been filed. The proceedings in respect of the said Case Crime shall stand transferred to the Chief Judicial Magistrate, Patiala House Courts and shall be taken up from the stage that has reached before the earlier Court. The petitioner has been enlarged on bail. The order enlarging the petitioner on bail shall continue to remain in force.
- 3 The investigation into the FIRs set out in para 1 above shall stand transferred from the Uttar Pradesh Police to the Special Cell of the Delhi Police. As a consequence, the SIT which was constituted by the Director General of Police,

Uttar Pradesh on 10 July 2022, shall stand disbanded.

- 4 The directions contained in 1 and 3 above shall stand extended to any other FIR which may be registered against the petitioner hereafter in respect of the same subject matter as the above FIRs in which event (a) the investigation of the FIR shall stand transferred to the Special Cell of the Delhi Police; (b) the petitioner shall be entitled to the order of interim bail, as set out above.
- 5 The petitioner would be at liberty to pursue his rights and remedies in proceedings under Article 226 of the Constitution/ Section 482 of the Code of Criminal Procedure 1973 in respect of the FIRs which have been or which may be registered against him before the High Court of Delhi and in that event nothing contained in this judgment shall amount to an expression of opinion on the merits of such proceedings.
- 6 The bail bonds in compliance with the above direction shall be presented before the Chief Judicial Magistrate at the Patiala House Courts, Delhi. Immediately upon the presentation of the bail bonds, the Superintendent at the Tihar Jail shall take necessary steps to ensure that the petitioner is released from judicial custody no later than by 6 pm today.

(SANJAY KUMAR-I)
DEPUTY REGISTRAR

(SAROJ KUMARI GAUR)
COURT MASTER