

ITEM NO.23

COURT NO.7

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 (CrI.) No(s). 9601/2022

(Arising out of impugned final judgment and order dated 27-09-2022 in CRMABA No. 12145/2021 passed by the High Court Of Judicature At Allahabad)

RAHUL SHARMA

Petitioner(s)

VERSUS

STATE OF UTTAR PRADESH & ANR.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.153904/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.153907/2022-EXEMPTION FROM FILING O.T.)

Date : 21-10-2022 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE AJAY RASTOGI
HON'BLE MR. JUSTICE C.T. RAVIKUMAR

For Petitioner(s) Mr. Ashwani Bhardwaj, AOR
Mr. Kunal K. Jain, Adv.
Mr. Vinay Bhardwaj, Adv.

For Respondent(s)

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

We are examining in this petition an application seeking anticipatory bail which was filed at the instance of the petitioner which came to be rejected by the High Court for non-prosecution under order impugned dated 27.09.2022.

Learned counsel for the petitioner has placed before this Court a series of stereo typed orders passed by the learned Judge of the High Court dismissing the applications seeking pre-arrest bail in the same fashion dismissing on the ground of non-

prosecution running from pages 109 to 153, almost 44 orders which are consistent in approach passed by the learned Judge of the High Court on the same date (27.09.2022).

This kind of approach in passing orders is not acceptable by this Court at any cost.

Issue notice, returnable 25.11.2022.

Dasti, in addition, is permitted.

Let the standing counsel for the State be served, in addition.

In the meanwhile, keeping in view the interim order passed by the High Court dated 02.07.2021, there shall be stay on arrest of the petitioner to reference to FIR No. 565/2020 dated 14.12.2020 registered with Police Station Nauchandi, Meerut for offences under Sections 420, 406, 504, 506, 307 and 323 IPC until further orders.

We are not supposed to comment at this stage but direct the Registrar of the High Court of Allahabad to submit the report to this Court after obtaining from the concerned Judge (Krishan Pahal, J.) as to what prevailed upon him in passing the orders consistently almost in 45 matters at a given point of time on the same date dismissing them in the same fashion for non-prosecution, that too when one has approached the Court for protecting his liberty which is sacrosanct under Article 21 of the Constitution.

(MATHEW ABRAHAM)
COURT MASTER (NSH)

(ASHWANI KUMAR)
ASTT. REGISTRAR-cum-PS