

No.Gen/XIX/Misc/1097/2023/1305

Dated 18/08/2023

From : Registrar General
Rajasthan High Court
Jodhpur

To : All the District & Sessions Judges.

Sub. : Regarding recalling of letter No. Gen/XIX/Misc/1097/2022/1975, dated 14/12/2022 and circulation of order dated 20/02/2023 of Hon'ble the Supreme Court of India passed in Petition(s) for Special Leave to Appeal (Crl.) No.(s) 11675-11676/2022, Raj. High Court Vs. The State of Rajasthan & Anr.

Sir,

On the above cited subject, while enclosing herewith copy of order dated 20/02/2023 of Hon'ble the Supreme Court of India passed in Petition(s) for Special Leave to Appeal (Crl.) No.(s) 11675-11676/2022, Raj. High Court Vs. The State of Rajasthan & Anr., I am under direction to request you to circulate the same amongst all the Judicial Officers of the Courts posted in your Judgeship for compliance of order of Hon'ble the Supreme Court of India.

I am further under direction to inform you that letter No. Gen./XIX/Misc/1097/2022/1975, dated 14/12/2022 (Copy enclosed) as earlier issued by this office to all the District & Sessions Judges is hereby recalled

Encl.: As above.

Yours sincerely,


18-8-23
REGISTRAR (ADMN.)

ANNEXURE... 23

3

ITEM NO.25

COURT NO.7

SECTION II

119

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 (Crl.) No(s). 11675-11676/2022

(Arising out of impugned final judgment and order dated 18-06-2021 in SBCRLMIBA No. 6821/2021 01-08-2022 in SBCRLMA No. 58/2022 passed by the High Court of Judicature for Rajasthan at Jodhpur)

RAJASTHAN HIGH COURT

Petitioner(s)

VERSUS

THE STATE OF RAJASTHAN & ANR.

Respondent(s)

(FOR ADMISSION)

Date : 20-02-2023 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJIV KHANNA
HON'BLE MR. JUSTICE M.M. SUNDRESH

For Petitioner(s) Mr. Gopal Jha, AOR
Mr. Sanket, Adv.

For Respondent(s)

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

Leave granted.

The appeals are partly allowed and disposed of in terms of the signed order.

Pending application(s), if any, shall stand disposed of.

(BABITA PANDEY)
COURT MASTER (SH)

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

(Signed order is placed on the file)

(120)

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPEAL NO. _____ OF 2023
(arising out of SLP (Crl.) 11675-11676 of 2022)

RAJASTHAN HIGH COURT **APPELLANT(S)**

VERSUS

THE STATE OF RAJASTHAN & ANR. **RESPONDENT(S)**

ORDER

Leave granted.

In our last order dated 28.11.2022, we have recorded:

"We clarify that this stay order does not affect the right of the sessions court or the High Court to take into consideration several factors as mentioned in the portion of the order which we have stayed."

Our attention is drawn to Rule 385-B of Chapter XXIIA of the Rajasthan High Court Rules, 1952.

In view of the aforesaid position, we are of the opinion that the directions given in paragraphs 13 to 18 of the judgment dated 18.06.2021 shall be erased. The directions erased would be treated as suggestions/request made drawing attention to the issue/ problem in question. The matter is to be placed before the Hon'ble the Chief Justice of the High Court of Rajasthan for consideration and deciding further course of action.

Digitally signed by
SANTA PANDIT
Date: 2023.12.21
10:29:51
Reason:

Recording the aforesaid, the appeals are partly allowed and disposed of. We clarify that we have not interfered with the order granting interim bail.

121

Pending application(s), if any, shall stand disposed of.

.....J.
(SANJIV KHANNA)

.....J.
(M.M. SUNDRESH)

NEW DELHI;
FEBRUARY 20, 2023.

No.Gen/XIX/Misc/1697/2022/1975

Dated 14 / 12 / 2022

From : Registrar General
Rajasthan High Court
Jodhpur


To : All the District & Sessions Judges

Sub. : Circulation of copy of order dated 28/11/2022 passed by Hon'ble the Supreme Court of India in Special Leave Petition (Criminal) Diary No. 33703/2022, Rajasthan High Court Vs the State of Rajasthan & Anr. with copy of order dated 18/6/2021 passed by this Hon'ble Court in S.B.Criminal Misc. Interim Bail Application No. 6821/2021, Gagandeep @ Goldy Vs State of Rajasthan, through PP.

Sir,

While enclosing herewith copy of order dated 28/11/2022 passed by Hon'ble the Supreme Court of India in Special Leave Petition (Criminal) Diary No. 33703/2022, Rajasthan High Court Vs the State of Rajasthan & Anr. with copy of Order dated 18/6/2021 passed by this Hon'ble Court in S.B.Criminal Misc. Interim Bail Application No. 6821/2021, Gagandeep @ Goldy Vs State of Rajasthan, through PP., I am under direction to request you to circulate the same amongst all the Courts situated in your Judgeship for information and necessary action.

Yours sincerely,


14/12/2022

REGISTRAR (ADMN.)

Encl.: As above.



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Criminal Misc. Interim Bail Application No. 6821/2021

Gagandeep @ Goldy S/o Sh. Naresh Kumar Arora, Aged About 32 Years, 6/j/32, Jawahar Nagar, Agrasen Chowk, Sri Ganganagar, Dist. Sri Ganganagar. (Lodged In Central Jail, Sri Ganganagar).

----Petitioner

Versus

State Of Rajasthan, Through Pp

----Respondent



For Petitioner(s) : Mr.JK Haniya on VC

Mr. Vinod Kumar Sharma, Mr. D.K. Gaur, Mr. Shambhoo Singh Rathore, Mr. Vikram Singh Rajpurohit, Mr. B.Ray Bishnoi, Mr. Hanuman Choudhary, Mr. D.S. Thind, Mr. Vishal Sharma, Mr. Firoz Khan, Mr. N.K. Gurjar, Mr. Ambalal – on VC

For Respondent(s) : Mr. Mahipal Bishnoi, Mr. Anil Joshi, Mr. Mukesh Trivedi, Mr. Gaurav Singh – Public Prosecutors

**HON'BLE DR. JUSTICE PUSHPENDRA SINGH BHATI
(VACATION JUDGE)**

Order

Reportable

18/06/2021

1. In the wake of second surge in the COVID-19 cases, the Court is functioning virtually and abundant caution is being maintained for the safety of all concerned.
2. Heard learned counsel for the parties and perused the material available on record.
3. The petitioner has been arrested in connection with FIR No.121/2019 of Police Station Suratgarh City, District Sri Ganganagar for the offences punishable under Section 8/22 of



NDPS Act. He has preferred this interim bail application under Section 439 Cr.P.C.

4. Learned counsel for the petitioner submits that the petitioner's mother is suffering from cancer and sessions of chemotherapy are going on. Learned counsel further submits that earlier the petitioner has been released on interim bail for four times and has duly complied with all the conditions of such interim bail. He thus, prays that the petitioner may be granted interim bail for a period of two months.

5. Learned Public Prosecutor opposes the interim bail application, but is not in a position to refute the aforesaid factual matrix.

6. This Court, after seeing the documents on record and noticing the medical condition of the petitioner's mother, is inclined to grant interim bail for a period of two months to the present petitioner.

7. In view of the above, the present interim bail application is **disposed** of and it is ordered that the accused- petitioner Gagandeep @ Goldy S/o Sh. Naresh Kumar Arora arrested in connection with FIR No.121/2019 of Police Station Suratgarh City, District Sri Ganganagar shall be released on interim bail for a period of two months from the date of his actual release on his furnishing personal bond of Rs.2,00,000/- with two sound and solvent sureties of Rs.1,00,000/- each (**out of which one shall be of accused-petitioner's close family member**) to the satisfaction of learned trial court that he will surrender before the concerned Jail Authorities immediately after completion of two months of interim bail.



8. Let this bail application be again listed on 27.08.2021, and on that date, learned Public Prosecutor and learned counsel for the petitioner shall be required to submit the compliance of this order.

9. At this stage, learned Public Prosecutors, Mr. Mahipal Bishnoi, Mr. Anil Joshi, Mr. Gaurav Singh and Mr. Mukesh Trivedi present before this Court have jointly submitted that the details available in the interim/temporary bail application(s) preferred before this Hon'ble Court, being sought on the grounds, like medical condition of the concerned petitioner or medical condition of his family member, marriage of family member and other immediate reasons requiring presence of the petitioner, are not suffice to make effective, comprehensive and early adjudication of such bail application(s), resulting into delay in release of the concerned petitioner and consequential delay in the purpose, which may be treatment, last rites, some social functions like marriage etc., and thus, may cause grave misery to the concerned petitioner as well as his family member. Learned Public Prosecutors, thus, seek invocation of inherent powers of this Hon'ble Court conferred under Section 482 Cr.P.C., while requesting this Court to pass necessary directions, so that the interim/temporary bail application(s) preferred before this Hon'ble Court can have an exhaustive and comprehensive factual matrix before it, while making adjudication.

10. Learned Public Prosecutors further submitted that if the complete details, as aforementioned, are provided in the application(s) seeking interim/temporary bail or the impugned order(s) of the learned trial court(s), then the purpose of preferring such interim/temporary bail application(s) would be



more effectively met with. Learned Public Prosecutors assured this Court that upon such information having been made available in the interim/temporary bail application(s) or in the impugned order(s) of the learned trial court(s), more effective assistance can be provided by the prosecution to this Hon'ble Court for early and effective adjudication of such bail applications.

11. On such oral prayer being made by the learned Public Prosecutors before this Court, while invoking the inherent powers conferred under Section 482 Cr.P.C, this Court invited the suggestions from the members of the Bar on the aforesaid crucial issue, whereupon Advocates Mr. Vinod Kumar Sharma, Mr. D.K. Gaur, Mr. Shambhoo Singh Rathore, Mr. Vikram Singh Rajpurohit, Mr. B.Ray Bishnoi, Mr. Hanuman Choudhary, Mr. D.S. Thind, Mr. Vishal Sharma, Mr. Firoz Khan, Mr. N.K. Gurjar and Mr. Ambalal provided their valuable assistance to this Court.

12. The learned counsels on both sides have suggested that the learned trial courts be directed to compile all the necessary and complete details of the grounds mentioned in the interim/temporary bail application(s), so that an effective and early adjudication of such bail applications can be made.

13. Thus, this Court directs that all the learned trial courts in the State shall, while allowing or rejecting the interim/temporary bail application(s) of any accused person, seek and compile, in a tabular form, all the necessary details in a comprehensive manner. The parameters, which need to be observed, as per the applicability in the facts and grounds of the interim/temporary bail application(s), are as follows:-



(a) Previous criminal antecedent(s) of the concerned petitioner.

(b) Whether the petitioner has any background of being a history-sheeter and/or hardcore offender.

(c) Whether any previous interim/temporary bail(s) have been granted to the concerned petitioner, and if granted, for how long, and also whether the concerned petitioner surrendered in time.

(d) The concerned Jail authorities shall be required to provide a report regarding conduct of the concerned petitioner in Jail alongwith the schedule of previous releases of the concerned petitioner on interim/temporary bail, if any.

(e) The details regarding the immediate family of the concerned petitioner shall also be noticed, so that the requirement of the petitioner can be adjudged.

(f) In regard to the assessment of custodial release, in case of illness of the concerned petitioner or his family member, the details to be provided, shall include the duration of treatment, operation or any surgical intervention, if required. The date(s) of operation or any such surgical intervention, if required, shall also be provided. The list of medical record produced by the concerned petitioner is also required to be furnished. The verification of the medical record shall be required to be made by a Government Doctor.

(g) The details of the family member(s) of the concerned petitioner shall also be required to be attested by the concerned Patwari or Gram Sewak, and any other details which are necessary for the grounds, on which the concerned petitioner is seeking interim/temporary bail.

(h) Any other information, which is relevant to the grounds mentioned in the interim/temporary bail application(s).



Such compilation of details shall be mandatory only if the perspective of the grounds mentioned in the interim/temporary bail application(s) are connected to it.

14. The necessity of giving the aforesaid directions was to enable this Court to precisely decide the duration, schedule, requirement and feasibility of releasing the petitioner efficaciously, which shall enable him to complete the task at hand, be it last rites of a close family member or any critical treatment for himself or his family member, or any other eventuality.

15. The aforementioned comprehensive tabular chart, incorporating all the details, as directed in this order, shall be the requirement of disposal of any interim/temporary bail application by the learned courts below in the State of Rajasthan. It is also directed that the learned Public Prosecutors all over the State shall also use their good offices and make all endeavour to procure and collect the aforementioned detailed information well in advance in every case of interim/temporary bail, so as to enable the courts to have a definite and correct information in regard to the case of interim/temporary bail.

16. Thus, with a view to have a compilation of all the aforementioned necessary and complete information for the purpose of synchronizing the details in regard to interim/temporary bail application(s) to enable the courts to make a quick and effective adjudication thereof, this Court further directs that a certified copy of this order shall be conveyed by the Registry of this Hon'ble Court to all learned District & Sessions Judges of the State, who shall ensure the immediate implementation of this order amongst all the judicial officers and



all courts in their respective jurisdiction, which are hearing the bail applications. The certified copy of this order shall also be conveyed to the Director (Prosecution) of the State, for necessary compliance, amongst the learned Public Prosecutors all over the State of Rajasthan. A certified copy of this order shall also be sent to the Director General of Police, Rajasthan as well as the Director General (Prisons), Rajasthan, for necessary compliance.

17. This Court also directs that if any interim/temporary bail application is preferred directly before this Court, then it shall be the duty of the learned counsel for the concerned petitioner to provide the necessary information, as per the aforesaid direction, well in advance to the learned Public Prosecutor, and in case, such advance information is not provided by learned counsel for the concerned petitioner, then the learned Public Prosecutor shall have a right to seek an adjournment in the concerned case, until such information comes on record.

18. The Registry of this Hon'ble Court shall file compliance of the aforesaid directions before this Court on 27.08.2021, when the matter is otherwise ordered to be listed.

(DR.PUSHPENDRA SINGH BHATI), VJ.

30-Skant/-Sudheer/-



**HIGH COURT OF JUDICATURE FOR RAJASTHAN
JODHPUR**

S.B. Criminal Miscellaneous Bail Application No. 6821/2021

Gagandeep @ Goldy

----Petitioner

Versus

State Of Rajasthan

----Respondent

For Petitioner(s) : M.r Jai Kishan Haniya, through VC
For Respondent(s) : Mr. Farzand Ali GA-cum-AAG
Mr. Mohd. Javed Gauri, PP

HON'BLE MR. JUSTICE SANDEEP MEHTA (VACATION JUDGE)

Order

11/06/2021

Learned counsel Shri Jai Kishan Haniya prays for time to comply with the directions passed by this Court dated 26.05.2021. Once he supplies the requisite details to the learned Public Prosecutor, verification shall be sought.

List on 18.06.2021.

(SANDEEP MEHTA (VACATION JUDGE)),J

19-Mamta/-



**HIGH COURT OF JUDICATURE FOR RAJASTHAN
JODHPUR**

S.B. Criminal Miscellaneous Bail Application No. 6821/2021

Gagandeep @ Goldy

----Petitioner

Versus

State Of Rajasthan

----Respondent

For Petitioner(s) : Mr. Jaikishan Haniya through V.C.
For Respondent(s) : Mr. Vikram Sharma, P.P.



HON'BLE MR. JUSTICE ARUN BHANSALI

Order

Learned counsel for the applicant prays for time to produce on record the complete datewise schedule of the chemotherapy already administered/to be administered to the applicant's mother, for which, the interim bail is being sought.

Learned P.P. shall cross-check the indications made in the said report.

List on 01.06.2021 subject to the directions of Hon'ble Vacation Judge.

सत्यमेव जयते (ARUN BHANSALI),J

98-PKS/-