

18.06.2021 at 0450PM.

OFFICE OF THE DISTRICT & SESSIONS JUDGE  
RECEIVED  
21 JUN 2021  
BOUDH

**THE HIGH COURT OF ORISSA: CUTTACK**

Letter No....6816(30.) Dated....18.06.2021

From,

Shri C.R. Dash,  
Registrar General

To

The District & Sessions Judge,..... (All)

Sub: Supreme Court Order dtd.15.06.2021 passed in Special Leave Petition (Criminal) Diary No.11581/2021 arising out of impugned final Judgment and Order Dtd.29.04.2021 in CRMM No.8112/2020 passed by the High Court of Punjab & Haryana at Chandigarh (Chunni Lal Gaba Vrs. Asst. Director , Directorate of Enforcement)- Reg.

R-1509  
21.06.21

Sir,

I am directed to forward herewith a copy of Supreme Court Order Dtd.15.06.2021 passed in Special Leave Petition (Criminal) Diary No.11581/2021 arising out of impugned final Judgment and Order Dtd.29.04.2021 in CRMM No.8112/2020 passed by the High Court of Punjab & Haryana at Chandigarh (Chunni Lal Gaba Vrs. Asst. Director, Directorate of Enforcement), for your information & guidance.

Yours faithfully,

  
18/6/2021  
REGISTRAR GENERAL

Encl. As above

ITEM NO.22

Court 14 (Video Conferencing)

SECTION II-B

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

**SPECIAL LEAVE PETITION (CRIMINAL) Diary No. 11581/2021**

(Arising out of impugned final judgment and order dated 29-04-2021 in CRMM No. 8112/2020 passed by the High Court of Punjab & Haryana at Chandigarh)

**CHUNNI LAL GABA****Petitioner(s)****VERSUS****ASSISTANT DIRECTOR,  
DIRECTORATE OF ENFORCEMENT****Respondent(s)**

(FOR ADMISSION and I.R. and IA No.66481/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.66482/2021-EXEMPTION FROM FILING AFFIDAVIT and IA No.66476/2021-PERMISSION TO FILE SLP WITHOUT CERTIFIED/PLAIN COPY OF IMPUGNED ORDER)

**Date : 15-06-2021 This petition was called on for hearing today.**

**CORAM :**

**HON'BLE MR. JUSTICE HEMANT GUPTA  
HON'BLE MR. JUSTICE V. RAMASUBRAMANIAN  
(VACATION BENCH)**

**For Petitioner(s)**

**Mr. Vikram Chaudhari, Sr. Adv.  
Mr. Harshit Sethi, Adv.  
Mr. Keshavam Chaudhri, Adv.  
Mr. Rishi Sehgal, Adv.  
Ms. Ria Khanna, Adv.  
Mr. Gautam Awasthi, AOR**

**For Respondent(s)**

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

**Permission to file SLP without certified/plain copy of**

Signature Not Verified  
Digitally signed by  
Nidhi Ahuja  
Date: 2024.06.16  
12:49:26 IST  
Reason: ?

**Impugned order granted.**

**The present special leave petition is directed against**

SLP (CrI.) Diary No. 11581/2021

an order whereby the request for hearing of an application for bail under Section 439 of the Code of Criminal Procedure, 1973, pending since 28.02.2020, was declined.

Normally, we do not interfere with an interim order passed by the High Court but we are constrained to pass the present order as we are shocked to see that the bail application under Section 439 CrPC is not being listed for hearing for more than one year. The accused has a right to hearing of his application for bail. In fact, the denial of hearing is an infringement of right and liberty assured to an accused.

Even during the pandemic, when all Courts are making attempts to hear and decide all matter, non-listing of such an application for bail defeats the administration of justice. Under the prevailing pandemic, at least half of the judges should sit on alternative days so that hearing is accorded to the person in distress. Non-listing of application for regular bail, irrespective of seriousness or lack thereof, of the offences attributed to the accused, impinges upon the liberty of the person in custody.

Therefore, we hope that the High Court will be able to take up the application for bail at an early date so that the right of the accused of hearing of application for bail is not taken away by not entertaining such application on the mentioning memo.

**SLP (Cr1.) Diary No. 11581/2021**

**Let the Registrar General of the High Court bring this Order to the notice of the competent authority to take remedial steps at the earliest.**

**The special leave petition stands disposed of accordingly.**

**Pending applications stand disposed of.**

**(NIDHI AHUJA)  
AR-cum-PS**

**(NISHA TRIPATHI)  
BRANCH OFFICER**