

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1184 OF 2017
[@ SPECIAL LEAVE PETITION (CRL.) NO. 9251 OF 2016]

STATE OF UTTAR PRADESH

Appellant(s)

VERSUS

AMIT PAL SINGH

Respondent(s)

J U D G M E N T

KURIAN, J.

1. Leave granted.

2. The State is before us, aggrieved by the order of grant of bail to the respondent. When the matter came up before this Court, the following order was passed on 08.05.2017 :-

"The petitioner-State is directed to get specific written instruction from the Senior Superintendent of Police, Kanpur (or any other Superintendent of Police concerned) regarding the conduct of the respondent and the likely time the trial court may take to conclude the trial."

3. In response to the above order, the State has filed an affidavit dated 13.07.2017. Paragraphs 4 to 9 of the said affidavit read as under :-

"4. That in compliance of the aforementioned order it is submitted that regarding the conduct of the accused Respondent/Amit Pal Singh it is stated that Respondent Amit Pal Singh is a licensee of shop Gur Ramdas Armoury. Further it is stated that even in stock registers it has not been mentioned that for which State license has been issued by licensing authorities to whom fire arms have been sold.

5. The record of sale of arms of Guru Ram Das Armoury, Kanpur further reveals that many weapons have been shown to be sold in the naxalite affected States like Jharkhand, Bihar and Udhampur under Jammu and Kashmir State and when enquiry was made by the Investigating Officer of case regarding verification of licenses as many as 26 Arm licenses were not found in existence upon which weapons have been shown to be sold.

6. It is further pertinent to state herein that in the year 2008 co-accused Mantoo Sharma @Sanjay Singh along with 06 naxalite were arrested at Gandhi Maidan Patna by the police personnel of

Police Station - Gandhi Maidan Patna, Bihar and during the search and seizure 03 rifles along with vehicle and cash were recovered from the possession of co-accused Mantoo Sharma @ Sanjay Singh who was going to sell these rifles to the naxalites and in his admission he has admitted that all these rifles were purchased by him from Guru Ram Das Armoury, Meston Road, Kanpur, which belongs to present accused & also that he is an absconder from Army.

That further the records of Guru Ram Das Armoury further reveals that accused was also involved in purchasing useless fire arms from Bombay and Kanpur and later on these so purchased useless fire arms have been re-assembled with the addition of foreign fire arm parts and after changing the respective bore of these fire arms the entry of these fire arms have been in stock registers of Guru Ram Das Armoury and later on these fire arms after change of their respective bores have been sold to innocent license holders as well as anti social elements and some of which were

recovered by the Investigating Agency from the innocent purchasers. The report of CFSL to this effect was called and the report of CFSL, CBI, New Delhi reveals that all these weapons were improvised.

Therefore, it is most humbly submitted that Respondent herein has grave nexus with other accused persons and are in accomplice in providing illegal weapons to the Naxalites and hence in view of such circumstances the bail granted to the Respondent herein ought to be cancelled.

7. It is further pertinent to state herein that accused/applicant was arrested by the Investigating Agency after finding his involvement in the present case however, later on the accused/applicant along with other co-accused persons have moved more than 40 applications on different dates just to avoid framing of charge and it is only on date charge has been framed against accused/applicant and other co-accused persons.

It is pertinent to mention here that

the accused was also facing trial under special provision u/s 2/3 U.P. Ganster Act in Case Crime No. 4/2013, wherein the Respondent herein has preferred a bail application no. 6212 of 2016, which has already been rejected by the Hon'ble High Court of Judicature at Allahabad High Court, Lucknow Bench, Lucknow on 14.12.2016 & hence the accused is still in jail (Annexed as Annexure-12 of Additional Documents).

8. That it is worthy to mention here that although vide the impugned order the accused Respondent herein has been enlarged on Bail by the Hon'ble High Court in the present case, but he is still languishing in Jail in another Case Crime No. 4/2013, wherein the bail is rejected by the Hon'ble High Court vide order dated 14.12.2016.

It is further pertinent to mention here that in the present case this Hon'ble Court vide its Order dated 8.10.2014 was pleased to cancel the Bail of one of the co-accused person i.e. Guru Charan Singh who also happens to be the father of the Respondent herein

(annexed as Annexure A-2 of Additional Document.)

9. It is humbly submitted that the trial is going on in speedy manner on day to day basis and the same may be concluded within 6 months. Further it is stated that there are 13 accused persons and they are unreasonably delaying the trial. It is submitted that Respondent/accused and other co-accused persons are themselves responsible in delaying the trial."

4. Having gone through the impugned order passed by the High Court and having heard the learned counsel appearing for the State as well as the learned senior counsel appearing for the respondent, we are of the view that the matter needs a fresh look by the High Court in the light of the affidavit extracted above.

5. Accordingly, without expressing any further opinion on the merits of the impugned order passed by the High Court, we set aside the impugned order and remit the matter to the High Court for fresh consideration in the light of the affidavit extracted above.

6. Needless to say that the parties will be free to raise all available contentions before the High Court. We request the High Court to pass orders expeditiously and preferably, within a period of three months from the date of receipt of a copy of this Judgment.

7. With the above observations and directions, the appeal is disposed of.

.....J.
[KURIAN JOSEPH]

.....J.
[R. BANUMATHI]

New Delhi;
July 18, 2017.