

ITEM NO.10 Court 7 (Video Conferencing) 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). 5191/2021

(Arising out of impugned final judgment and order dated 01-07-2021 in CRMABA No. 7598/2021 passed by the High Court Of Judicature At Allahabad)

SATENDER KUMAR ANTIL Petitioner(s)

VERSUS

CENTRAL BUREAU OF INVESTIGATION & ANR. Respondent(s)

(IA No.83380/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.83381/2021-EXEMPTION FROM FILING O.T.)

Date : 28-07-2021 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE HRISHIKESH ROY

For Petitioner(s) Mr. Sidharth Luthra, Sr. Adv.
 Mr. Chirag Madan, Adv.
 Mr. Akshay Sehgal, Adv.
 Mr. Hardik Rupal, Adv.
 Mr. Adeel Talib, Adv.
 Mr. Akbar Siddique, AOR

For Respondent(s)

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

Applications for exemption from filing c/c of the impugned judgment and official translation are allowed.

Learned senior counsel for the petitioner contends that the petitioner was not in office when the incident took place but be that as it may, a charge sheet has been filed and he joined investigation but was not arrested and then there was no need to arrest him now. On charge sheet

being filed the Court took cognizance on 20.01.2021 but the petitioner did not appear but sought anticipatory bail. On his non-appearance, non-bailable warrants were issued on 17.02.2021 and the anticipatory bail application has been dismissed.

We put to learned senior counsel for the petitioner as to why the petitioner did not appear after summons were sent in pursuance to cognizance being taken as logically, the petitioner ought to have appeared and applied for regular bail and there should have been no case for anticipatory bail at that stage. Learned senior counsel submits that the system which is sought to be followed specially in the State of Uttar Pradesh is that even if a person is not arrested during investigation, on charge sheet being filed, more so, in such cases of CBI a person is sent to custody and thus, his appearance and applying for bail would have resulted in his being sent to custody.

Prima facie, we cannot appreciate why in such a scenario is there a requirement for the petitioner being sent to custody. Be that as it may, it will be appropriate to lay down some principles in this behalf.

Let notice issue returnable on 18.08.2021.

Dasti in addition through standing counsel.

In the meantime, the petitioner be not arrested and execution of non-bailable warrants is stayed. However, the petitioner will enter appearance before the Court on the next date.

A copy of the order to accompany notice.

[ASHA SUNDRIYAL]
ASTT. REGISTRAR-cum-PS

[BEENA JOLLY]
COURT MASTER (NSH)