

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION



CRIMINAL APPEAL NO. _____ OF 2023
(arising out of SLP(Crl.) NO. _____ of 2023)
(@ Diary No. 182/2023)

PANKAJ SHARMA

APPELLANT(S)

VERSUS

STATE OF JAMMU AND KASHMIR

RESPONDENT(S)

WITH

CRIMINAL APPEAL NO. _____ OF 2023
(arising out of SLP(Crl) No. 4283/2023)

O R D E R

Delay condoned.

Leave granted.

We have perused the report submitted by the Registrar General of the High Court of Jammu & Kashmir and Ladakh at Jammu. The appellants - Pankaj Sharma and Manpal Singh have already suffered incarceration for over 13 years. Some of the co-convicts/co-accused have been released on suspension of sentence/bail. The appeals were heard by the High Court and thereafter have been released and not heard.

In these circumstances, we set aside the impugned order(s) and allow the present appeals with the direction that the appellants - Pankaj Sharma and Manpal Singh will be released on suspension of sentence/bail in Criminal Appeal No. 43 of 2017, which arises from their conviction in the charge-sheet arising out of the First

Information Report (FIR) no. 160/2009 registered with Police Station - Satwari, District - Jammu, Jammu and Kashmir for the offence(s) punishable under Section 302 of the Jammu and Kashmir State Ranbir Penal Code, 1989 and Sections 3 and 25 of the Arms Act, 1959 on terms and conditions to be fixed by the trial Court. The appellants - Pankaj Sharma and Manpal Singh will surrender their passports in the High Court and will not leave the Union Territory of Jammu and Kashmir without informing the trial Court about the place they would be visiting or travelling.

The High Court will be entitled to cancel the bail in case the appellants - Pankaj Sharma and Manpal Singh do not appear or seek adjournment at the time of hearing of the appeals before the High Court.

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

.....J.
(SANJIV KHANNA)

.....J.
(S.V.N. BHATTI)

NEW DELHI;
OCTOBER 16, 2023.

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

SPECIAL LEAVE PETITION (CRIMINAL) Diary No(s). 182/2023

(Arising out of impugned final judgment and order dated 30-07-2021 in IA No. 01/2017 passed by the High Court Of Jammu & Kashmir and Ladakh at Jammu)

PANKAJ SHARMA

Petitioner(s)

VERSUS

STATE OF JAMMU AND KASHMIR

Respondent(s)

(FOR ADMISSION and I.R. and IA No.11111/2023-CONDONATION OF DELAY IN FILING and IA No.11117/2023-EXEMPTION FROM CUSTODY CERTIFICATE and IA No.11116/2023-APPLICATION FOR EXEMPTION FROM FILING ORIGINAL VAKALATNAMA/OTHER DOCUMENT)

WITH

SLP(CrI) No. 4283/2023 (II-C)

(IA No. 56505/2023 - APPLICATION FOR EXEMPTION FROM FILING ORIGINAL VAKALATNAMA/OTHER DOCUMENT)

Date : 16-10-2023 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE S.V.N. BHATTI

For Petitioner(s)

Mr. Ali Qamber Zaidi, Adv.
Ms. Pallavi Sharma, Adv.
Mr. Sachin Pahwa, Adv.
Mr. K.R. Satheesh, Adv.
Mr. Rameshwar Prasad Goyal, AOR

For Respondent(s)

Mr. Parth Awasthi, Adv.
Mr. Pashupathi Nath Razdan, AOR
Ms. Maitreyee Jagat Joshi, Adv.
Mr. Astik Gupta, Adv.

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

Delay condoned.

Leave granted.

In terms of the signed order, the impugned order(s) is/are set aside and the present appeals are allowed with the direction that the appellants - Pankaj Sharma and Manpal Singh will be released on suspension of sentence/bail in Criminal Appeal No. 43 of 2017, which arises from their conviction in the charge-sheet arising out of the First Information Report (FIR) no. 160/2009 registered with Police Station - Satwari, District - Jammu, Jammu and Kashmir for the offence(s) punishable under Section 302 of the Jammu and Kashmir State Ranbir Penal Code, 1989 and Sections 3 and 25 of the Arms Act, 1959 on terms and conditions to be fixed by the trial Court. The appellants - Pankaj Sharma and Manpal Singh will surrender their passports in the High Court and will not leave the Union Territory of Jammu and Kashmir without informing the trial Court about the place they would be visiting or travelling.

The High Court will be entitled to cancel the bail in case the appellants - Pankaj Sharma and Manpal Singh do not appear or seek adjournment at the time of hearing of the appeals before the High Court.

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

(DEEPAK GUGLANI)
AR-cum-PS

(R.S. NARAYANAN)
ASSISTANT REGISTRAR
(signed order is placed on the file)