

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(s).36115/2022

(Arising out of impugned final judgment and order dated 10-05-2022 in CRLM No.19633/2021, 24-08-2022 in CRLM No.19633/2021 passed by the High Court of Judicature at Patna)

SANJAY SINGH

Petitioner(s)

VERSUS

STATE OF BIHAR

Respondent(s)

(FOR ADMISSION and I.R. and IA No.189081/2022-CONDONATION OF DELAY IN FILING and IA No.189086/2022-EXEMPTION FROM FILING O.T. and IA No.189820/2022-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 12-12-2022 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DINESH MAHESHWARI
HON'BLE MR. JUSTICE HRISHIKESH ROYFor Petitioner(s) Mr. Vishnu Kant, AOR
Mr. Gautam Kumar, Adv.
Ms. Mohini Kumari, Adv.
Mr. Navin Kumar Sehrawat, Adv.

For Respondent(s)

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

The present one is yet another case where the High Court, while granting pre-arrest bail in a criminal case involving alleged monetary dealing, has put the accused to the condition of making payment in certain modes/installments. Time and again, this Court has observed that criminal cases cannot be converted into money recovery proceedings and such conditions, of granting bail on payment, have been disapproved.

In the present matter, by order dated 10.05.2022, the High Court granted the concession of pre-arrest bail to the petitioner on the condition of his depositing a demand draft in the sum of Rs. 50,000/- and then, depositing the entire amount in dispute in six months. The dispute essentially concerns the petitioner and his sister-in-law. It is one of the submissions of the petitioner that he is a witness in the case involving killing of his brother Mr. Ranjan Kumar Singh and in that case, the informant (sister-in-law of the petitioner) as also her son are accused. The case of the petitioner is that the present FIR has been lodged by his sister-in-law so as to deter him from conducting the said other case relating to the killing of the petitioner's brother.

In the case of the present nature, *prima facie*, we find it difficult to endorse the approach of the High Court in granting pre-arrest bail with the condition of petitioner depositing a sum of Rs. 50,000/- by way of demand draft in the name of informant and then truncating the liberty period to six months, while requiring the petitioner to pay the entire amount as alleged by the informant.

Delay condoned.

Issue Notice.

In the meanwhile and until further orders, operation and effect of the impugned orders dated 10.05.2022 and 24.08.2022, to the extent that the petitioner is required to make further payment, shall remain stayed.

To avoid any ambiguity, we make it clear that the first part of the impugned order dated 10.05.2022 granting the concession of

pre-arrest bail to the petitioner, on his furnishing personal bond in the sum of Rs. 10,000/- with two sureties in the like amount, shall continue to remain in operation.

(GAGANDEEP SINGH CHADHA)
(SENIOR PERSONAL ASSISTANT)

(RANJANA SHAILEY)
COURT MASTER (NSH)