

CASE NO.:
Special Leave Petition (crl.) 3986 of 2006

PETITIONER:
Imran Ali

RESPONDENT:
Habibullah and Anr.

DATE OF JUDGMENT: 19/03/2007

BENCH:
B.P. Singh & H.S. Bedi

JUDGMENT:
JUDGMENT

ORDER

1. We have heard counsel for the Parties.

2. It is no doubt true that the High Court felt persuaded to grant bail to the respondents in the pending appeal before it. The High Court, however, went on to record a very detailed reasoned order virtually holding that the prosecution case has no merit. Such observations either for or against the prosecution, made in orders disposing of bail applications may prejudicially affect the interest of the parties because in case a trial is pending before the Sessions Court, the Trial Judge may consider itself bound by the observations made in such an order. In any event such observations are bound to influence its mind. It is no doubt true that in appropriate cases particularly in serious matters, the High Court may record reasons, but the High Court while recording reasons must take care to safeguard against prejudicing the case of the parties. The recording of reasons, wherever necessary, is only to indicate the considerations that may have weighed with the Court in passing the order and the Court must do so in a manner that may not prejudice the case of the parties. The trend recently noticed, to virtually write a judgment while disposing of an application for grant of bail must be discouraged.

3. While not upsetting the order passed by the High Courts, we observe that the findings recorded in the Order granting bail ought to be eschewed when the appeal itself is taken up for hearing.

4. The Special leave Petitions are disposed of accordingly.