

CASE NO.:
Appeal (crl.) 1608 of 2007

PETITIONER:
State of Punjab

RESPONDENT:
Raninder Singh and Anr. etc.

DATE OF JUDGMENT: 19/11/2007

BENCH:
A.K. Mathur & Markandey Katju

JUDGMENT:
JUDGMENT

ORDER

Criminal Appeal No. 1608 of 2007 @ SLP (Crl.) No. 3433 of 2007.

We have heard learned counsel for the parties.

Leave granted.

We have perused the impugned order dated 24th May, 2007 granting anticipatory bail passed by the learned Single Judge of the Punjab & Haryana High Court in Crl. Misc. No. 33867-M of 2007. After hearing learned counsel for the parties, we are of the opinion that no interference is called for by this Court. The appeal is accordingly, dismissed.

However, we make it clear that in case the respondents do not cooperate with the investigation, then it is always open for the State to move an application before the High Court for cancellation of the bail, which will be decided in accordance with law.

It may be mentioned here that Section 438(2)(i) of the Code of Criminal Procedure is very clear that while granting anticipatory bail the Court can lay down a condition that the accused shall make himself available for interrogation by a police officer as and when required. The purpose of such a provision is that anticipatory bail cannot be permitted to be abused. It is therefore, implicit that whenever the Court imposes such a condition in its order, and the accused called for interrogation or for certain investigation does not appear before the investigating officer then it will be open for the State to move the High Court for cancellation of bail.

We make it clear that this order is confined only to the F.I.R. in the present case.

Criminal Appeal No. 1607/2007 @ SLP (Crl.) No. 3514/2007.

We have heard learned counsel for the parties.

Leave granted.

This appeal by special leave is directed against the orders dated 15.5.2007 and 31.5.2007 passed by the learned Single Judge of the Punjab & Haryana High Court in Crl. Misc. No. 27116-M of 2007 and CRM No. 36313 of 2007 whereby a contempt notice was issued to the Senior Superintendent of Police, Vigilance Bureau, Ludhiana who has sworn the affidavit along with the application. Normally the Courts should not be oversensitive and should not take very serious note of any loose expressions in the application. Contempt jurisdiction is to be sparingly exercise in very exceptional cases, as one of us (Markandey Katju, J.) has observed in an article

'Contempt of Court: The Need for a Fresh Look' published in the Journal Section of A.I.R. 2007 (March Part), and we agree with the views expressed therein. However, the applicant should use proper language and state correct facts in his application. Although it is not contempt, proper decorum should be maintained. Be that as it may, we are of the opinion that the learned Judge should not have issued contempt notice in the matter. The S.S.P. had sworn the affidavit but the counsel who has prepared the application should have been more careful while drafting such an application. They should not make incorrect statements. The language used by them should be in consonance with the dignity of the Court.

Having regard to the facts and circumstances of the case, we do not think it to be a proper case where contempt notice ought to have been issued.

In the facts and circumstances of the case, while maintaining the order dated 15.5.2007 we set aside the direction in the last paragraph of the learned Single Judge's Order dated 31st May, 2007 issuing notice to the S.S.P., Vigilance Bureau, Ludhiana.

The appeal is accordingly, disposed of.