

SUPREME COURT OF INDIA

Shantilal

Vs.

Vimalchand

(K.T. Thomas and R.P. Seth JJ.)

09.05.2000

ORDER

K.T. THOMAS, J.

1. Leave granted.
2. We heard both sides.
3. In view of decision of this Court in Rajesh Bajaj v. State NCT of Delhi and Ors. we set aside the impugned order with a view to facilitate investigation to be completed. The investigating agency can proceed with the investigation of the case and reach a final conclusion on their own, either way. If the persons shown as accused in the F.I.R. are to be arrested in the meanwhile we direct that those persons shall be released on bail on executing a self bond for such sum as the arresting officer may deem fit.
4. If the investigation reaches the conclusion that a final report under Section 173 of the Criminal Procedure Code has to be laid against the respondents, we permit the respondents to raise all their contentions for a discharge at the appropriate stage.
5. Respondents as well as the appellants would render all assistance to the investigating officer to complete the investigation as expeditiously as possible.
6. Investigating officer is permitted to take samples of any article which he suspect to be contraband. This is observed for the purpose of avoiding the possibility of seizing the whole goods during the investigation stage.
7. This order will be without prejudice to the contentions of respondents that no offence has been committed and also of the contentions of the appellants that offence has been committed.
8. We make it clear that this order will not prejudice the civil rights of both parties in respect of the case involved.
9. These appeals are disposed of accordingly.

