

# SUPREME COURT OF INDIA

Mandata Singh

Vs.

State of Rajasthan

S.L.P. (Crl.) Nos.2527 with 2528 of 2003

(R. C. Lahoti and Ashok Bhan JJ.)

17.02.2004

## JUDGEMENT

### **Ashok Bhan, J.**

1. FIR No. 26/2002 under Sections 307, 120-B, IPC and 3/25 Arms Act dated 28-1-2002 at Police Station Gandhi Nagar, Jaipur was got registered by Dr. Narendra Rungta on the ground that Mandata Singh, petitioner herein, along with his other accomplices Narain Soni and Bhagirath Singh allegedly assaulted Dr. Narendra Rungta with fire arms with intent to commit murder. Challan has been put up and the accused have been duly charge sheeted. Evidence has been recorded in part. Next date of hearing is 11-3-2004. Another FIR No. 293 of 2002 under Sections 399, 402, 120-B, IPC and Section 3/25 of the Arms Act was got registered at Police Station Shipra Path, Mansarovar, Jaipur by Dr. Narendra Rungta in which Mandata Singh, Dhan Singh, Krishna Yadav, Bhanwar Singh and Bhagwan Singh were arrayed as accused. Charge sheet as well as additional charge sheet has been filed in this case as well. Dr. Narendra Rungta got registered another FIR No. 542/2002 under Sections 387, 506, IPC dated 4-12-2002 at Police Station Malviya Nagar, Jaipur. Similarly two other FIR Nos. 279/2002 under Sections 387, 506 IPC dated 25-6-2002 and 527/2002 have been registered under Section 3/25 of the Arms Act against the petitioner.

2. In FIR No. 26/2002 petitioner was granted bail on 30-5-2002. An application for cancellation of bail was filed on the ground that the petitioner had threatened the complainant with dire consequences. This application was dismissed by the High Court on 23-8-2002. After the registration of FIR No. 293/2002 a second application for cancellation of bail was filed. Application for cancellation of bail as well as application for grant of bail in FIR No. 293/2002 were taken up by the High Court on 7-5-2003. Relying upon a decision of this Court in *Ram Govind Upadhyay v. Sudarshan Singh and others*<sup>1</sup> the bail granted in FIR No. 26/2002 was cancelled. Prayer for grant of Bail in FIR No. 293/2002 was declined by the same order.

3. Aggrieved against the aforesaid order of the High Court the petitioner filed the present special leave petition seeking bail. It was contended that he had already undergone more than

14 months of imprisonment as under-trial prisoner and therefore he should be shown mercy and released on bail.

4. After hearing the learned counsel for the parties this Court on 6-10-2003 granted bail temporarily to the petitioner for a period of four months subject to his furnishing a bail bond in an amount of Rs. 10,000/- with one solvent surety of like amount in each of the two cases, i.e., FIR No. 26/2003 and 293/2002 respectively of Police Station Gandhi Nagar and Shiprapath, Jaipur to the satisfaction of the Trial Court. He was directed to report at Police Station Gandhi Nagar once in every fortnight. It was made clear in the order that if the petitioner misuses the liberty given to him his bail application would be liable to be cancelled. The case was ordered to be listed after 14 weeks.

5. The respondent-State filed Crl. M.P. No. 714 of 2004 in the instant special leave petition for cancellation of the temporary bail given to the petitioner on the ground that he had misused the liberty granted to him. It was alleged that he had grossly abused his liberty by entering in a conspiracy and getting one Rajendra Kumar Jain assaulted who had bought shops/properties from the petitioner and his family. In this regard FIR No. 451/2003 dated 27-11-2003 under Sections 341, 323, 308, 120-B, IPC has been registered at Police Station Bajaj Nagar, Jaipur. As per medical report apart from the simple injury, Rajendra Kumar Jain had received two grievous injuries as well.

6. Crl. M. P. No. 714 of 2004 is taken up with the special leave petition for disposal.

7. On the asking of the Court the learned counsel for the respondent-State produced the case diaries in FIR 451/2003. On perusal of the contents of the FIR No. 451/2003 and the extracts from the case diary we are prima facie satisfied that the petitioner has misused the liberty granted to him by this Court on 6-10-2003. Without expressing any opinion on the merits we deem it appropriate to cancel the temporary bail granted to the petitioner on 6-10-2003. He is directed to surrender to the concerned authorities forthwith.

8. Accordingly, the Crl. M.P. No. 714 of 2004 is allowed and temporary bail granted to the petitioner is cancelled. The petitioner shall be re-arrested forthwith. As a consequence thereof the special leave petitions are dismissed.

9. The next date for recording of the remaining evidence before the Trial Court is 11-3-2004. Trial Court is directed to dispose of the case without granting any adjournments of long duration. The case should be disposed of expeditiously and preferably within a period of two months and if need be by taking up the case on day-to-day basis. Nothing stated herein shall be taken as an expression of opinion on merits of the accusation of petitioner.

Petition allowed.

<sup>1</sup>2002 (3) SCC 598