

Supreme Court of India

Mohd. Salim Khan vs State Of Uttar Pradesh on 12 January, 1982

Equivalent citations: AIR 1982 SC 1096, 1982 CriLJ 1242, (1982) 2 SCC 347

Author: S M Ali

Bench: A Varadarajan, D Desai, S M Ali

JUDGMENT S. Murtaza Fazal Ali, J.

1. In this writ petition it appears that the petitioner was arrested between the night of 29th and 30th Nov. 1978 and since then he has been in detention although it is alleged by the other side that there are several serious cases pending against him and a list was also given but Mr. Bhatt was directed to produce a single case -in which any charge-sheet was submitted against him and despite sufficient opportunity having been given to him he has not been able to produce such record. In these circumstances, therefore, we are left with no alternative but to release the petitioner from jail custody. We are constrained to observe that as the liberty of the subject was involved in this case it is extremely regrettable that the State should act in such a casual or cavalier manner and was even unable to produce any evidence or document to show why the petitioner was detained without trial for a period of about 3 years. We may also point out that the position becomes still worse when Mr. Bhatt informs that some of the cases against the petitioner were tried and he was acquitted. In these circumstances, we direct that the petitioner be released on bail on furnishing a personal bond of Rs. 500/- before the Jail Superintendent who will forward the same to the Magistrate concerned. Let a copy of this order be sent to the Secretary (Home) of the State Government. This order covers all the cases which may be pending against the petitioner.