

\$~2

*** IN THE HIGH COURT OF DELHI AT NEW DELHI**

% Judgment delivered on: 13.02.2019

+ BAIL APPLN. 1471/2018 & CRL.M.(BAIL) 1023/2018

SUSHIL PANDIT Petitioner

versus

STATE OF NCT OF DELHI & ANR Respondents

Advocates who appeared in this case:

For the Petitioner : Petitioner in person.

For the Respondent: Mr. Hirein Sharma, APP for the State.
Mr.Talha Rahman, Adv. for R-2.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Mr.Talha Rahman, Adv. enters appearance for the State of Jammu & Kashmir.
2. Petitioner seeks anticipatory bail in FIR No.49 of 2018 under Section 505 of the Ranbir Penal Code P.S. Pampore District Pulwama, Jammu & Kashmir.
3. The allegations against the petitioner are that petitioner had uploaded a tweet on his twitter account which was alleged to be in contravention of Section 505 of the Ranbir Penal Code and

accordingly FIR was registered at the Pampore Police Station.

4. Petitioner who appears in person relies on a decision of the Division Bench of this Court in *Capt. Satish Sharma And Ors. vs Union Of India (UOI) And Anr. (1990) ILR 2 Delhi 2003* to contend that anticipatory bail can be granted by this Court even though FIR has not been registered within the jurisdiction of this Court as there is a threat of arrest of the petitioner who is a permanent resident of Delhi within the jurisdiction of this Court.

5. Petitioner who appears in person also submits that he has approached the Jammu & Kashmir High Court under Section 561A Cr.P.C. as applicable to the State of Jammu & Kashmir which is stated to be parametria to Section 482 Cr.P.C for quashing of the subject FIR and in the said petitioner he has also sought interim protection and the application is stated to be pending.

6. By order dated 20.07.2018 interim protection was granted to the petitioner subject to his joining investigation.

7. In view of the fact that petitioner has already approached the High Court of Jammu & Kashmir for quashing of the subject FIR and for interim protection pending the said petition, I am of the view that interest of justice would be served in case the interim protection granted to the petitioner by order dated 20.07.2018 is continued till the time the application of the petitioner for grant of interim

protection is taken up for consideration by the High Court of Jammu & Kashmir.

8. It is clarified that protection to the petitioner shall continue till the time the application of the petitioner is taken up for consideration by the High Court of Jammu and Kashmir and would be subject to further orders passed by the High Court of Jammu and Kashmir.

9. The petition is accordingly disposed of in the above terms.

10. Order *Dasti* under signatures of the Court Master.

FEBRUARY 13, 2019

rk

SANJEEV SACHDEVA, J