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

+ **CRL.M.C. 2704/2023, CRL.M.A. 10176/2023**

JAI PRAKASH SINGHAL

..... Petitioner

Through: Mr. Tanmay Mehta with Mr, Lalit
Valesha, Advs.

Versus

STATE OF NCT OF DELHI

..... Respondent

Through: Ms. Nandita Rao, ASC with Mr.
Akhand Pratap, SPP, MR. Amit
Peswani, Advs. for State with ACP
Virender Kadyan and Insp. Pradeep
Rai, Section-1, E.O.W.

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Date of Decision: 18th April, 2023

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

CRL.M.A. 10177/2023 (exemption)

Exemption is allowed subject to all just exceptions.

CRL.M.C. 2704/2023

1. The present petition has been filed seeking following prayer:

“i.Pass necessary orders and directions thereby quashing of FIR No.208/2021, PS Special Cell/EOW U/s 170, 186, 353, 384, 386, 368, 419, 420, 506, 120B IPC &Section 66-D IT Act &3/4 MCOC Act qua the petitioner and all the proceedings arising out of the aforesaid FIR against the petitioner;

ii. . Pass necessary orders and directions thereby cancelling the Look Out Circular issued against the petitioner to enable him to return back to India and to join investigation;

iii. Pass necessary orders and directions thereby quashing order dated 10.04.2023 passed by Sh. Shailender Malik, Ld. ASJ, New Delhi District, Patiala House in SC/308/2021 titled "State Vs Sukesh Chandra Shekhar &Ors" in case FIR NO. 208/2021, PS Special Cell/EOW;

iv. Pass necessary orders and directions thereby staying the proceedings arising out of FIR No. 208/2021 PS Special . Cell/EOW against the petitioner and grant protection from arrest during the pendency of the present petition;

v. Any other relief or order which the Hon'ble Court may deem fit and proper in the facts and circumstances of the case may also kindly be granted in favour of the applicant.”

2. However, Mr. Tanmay Mehta, learned counsel submits that he does not want to press his prayers made in the present petition for the time being subject to raising the said plea at an appropriate time. However, learned counsel for the petitioner submits that vide order dated 10.04.2023, learned Special Judge was pleased to recall the proceedings under Section 82 Cr. P.C. with the directions to the accused to appear and join the investigation from 10.04.2023.
3. Learned counsel submits that immediately thereafter, he moved an

application for anticipatory bail on 13.04.2023 which is now listed on 20.04.2023.

4. Learned counsel submits that if the learned Special Judge hears and decides the application for anticipatory bail on 20.04.2023, he will have no difficulty but in case, the application for anticipatory bail is adjourned for one reason or the other, his client will become remediless as in terms of the order dated 10.04.2023. He will have no legal remedy.
5. Ms. Nandita Rao, learned ASC has opposed the prayer on the ground that in fact in the garb of this prayer, petitioner is seeking anticipatory bail/interim protection which is not being granted by the learned Special Judge.
6. I consider that without going into all the merits of the case, let the petitioner in terms of order dated 10.04.2023 of learned Special Judge join the investigation as and when directed by the Special Cell/EOW, However, if the learned Special Judge shall decide the application on 20.04.2023, no orders are required to be passed. In case, the application is not decided on 20.04.2023, the 10 days time granted vide order dated 10.04.2023 shall stand further extended by another 10 days.
7. This Court requests the learned Trial Court to decide the application on 20.04.2023 or as expeditiously as possible.
8. The period of 10 days is extended for further 10 days. The petition along with pending application stands disposed of with the liberty to take appropriate legal proceedings in accordance with law.
9. It is made clear that this Court has not gone into the merits of the case

and the parties may take their pleas at an appropriate stage.

10. Order *dasti*.

DINESH KUMAR SHARMA, J

APRIL 18, 2023

Pallavi

