

[2008] 13 S.C.R. 255

JOGINDER @ JINDI

v.

STATE OF HARYANA

(Special Leave Petition (Crl.) No. 6346 of 2008)

SEPTEMBER 8, 2008

[DR. ARIJIT PASAYAT AND HARJIT SINGH BEDI, JJ]

*Code of Criminal Procedure, 1973:*

*s. 438 – Grant of bail to person apprehending arrest – HELD: A petition u/s 438 in respect of bailable offences is misconceived even if it is accepted that alleged offences are bailable – High Court was not justified that custodial interrogation was necessary – However, if petitioner surrenders and seeks regular bail, the same shall be considered uninfluenced by any observations made by High Court.*

CRIMINAL APPELLATE JURISDICTION : Special Leave Petition (Criminal) No. 6346 of 2008

From the final Judgment and Order dated 13.08.2008 of the High Court of Punjab and Haryana at Chandigarh in Criminal Misc. No. M-20367 of 2008

Ranjit Kumar, Subodh Kumar Pathak, Shashi Ranjan, B. Pattanaik and Dharmendra Kumar Sinha for the Appellant.

The following Order of the was delivered

Heard learned senior counsel for the petitioner.

Since the petitioner alleges that the offences charged are bailable offences, the High Court was not justified in holding that custodial interrogation was necessary. Section 438 Cr.P.C. in terms relates to non-bailable offences. Therefore, a petition under Section 438 Cr.P.C. in relation to bailable offences is

A mis-conceived, even if it is accepted that alleged offences are bailable. However, if the petitioner surrenders and seeks regular bail, the same shall be considered uninfluenced by any observations made by the High Court. The special leave petition is disposed of accordingly.

B R.P. Special Leave Petition disposed of.