

## Sanjay v. State , 2022 SCeJ 0614, 2022 PLRonline 2506

SUPREME COURT OF INDIA

*Before: Justice C.T. Ravikumar and Justice Sudhanshu Dhulia*

SANJAY – Petitioner,

*Versus*

THE STATE (NCT OF DELHI) & ANR. – Respondent.

Petition for Special Leave to Appeal (Crl.) No. 5675/2022 (Arising out of impugned final judgment and order dated 02-06-2022 in CRLMA No. 11480/2022 passed by the High Court of Delhi at New Delhi)

20.06.2022

**CrPC S. 438 - Anticipatory bail - Bail application moved on 24.05.2022, posted to 31.08.2022 without granting any interim protection - In a matter involving personal liberty, the Court is expected to pass orders in one way or other taking into account the merits of the matter at the earliest - Posting an application for anticipatory bail after a couple of months cannot be appreciated - High Court to dispose of the application preferably within a period of three weeks - If the main application could not be disposed of, for any reason, within the stipulated time, relief sought for in the interlocutory application shall be considered on its own merits - Till such time, we grant interim protection from arrest to the petitioner**

For Petitioner(s) Mr. Rakesh Dahiya, AOR , Mr. Satyavan Kudalwal, Adv. , Mr. Aditya Dahiya, Adv.

UPON hearing the counsel the Court made the following

ORDER

(20.06.2022) – 1. The grievance of the petitioner in the captioned Special Leave Petition is that the application for anticipatory bail moved by him, being Crl. M.A. No. 11480 of 2022 in Bail Application No. 1751 of 2022 was posted to 31.08.2022 without granting any interim protection. The application for bail was moved on 24.05.2022.

2. We are of the considered view that in a matter involving personal liberty, the Court is expected to pass orders in one way or other taking into account the merits of the matter at the earliest. At any rate, posting an application for anticipatory bail after a couple of months cannot be appreciated.

3. We request the High Court to dispose of the application for anticipatory bail on its own

merits and in accordance with law expeditiously, preferably within a period of three weeks after reopening of the Court. If the main application could not be disposed of, for any reason, within the stipulated time, relief sought for in the interlocutory application shall be considered on its own merits. Till such time, we grant interim protection from arrest to the petitioner herein.

4. We make it clear that we have not made any observation on the merits of the petition.

5. The Special Leave Petition stands disposed of, accordingly.

SS