

Case :- MATTERS UNDER ARTICLE 227 No. - 2671 of 2021

Petitioner :- Sh. Suraj Singh

Respondent :- State Of Uttar Pradesh And 2 Others

Counsel for Petitioner :- Nipun Singh, Anurag Khanna (Senior Adv.)

Counsel for Respondent :- G.A.

Hon'ble Neeraj Tiwari, J.

Heard Sri Anurag Khanna, learned Senior Advocate alongwith Sri Nipun Singh and Sri R.P. Singh, learned counsel for the petitioner and Sri Vinod Kant, learned Additional Advocate General assisted by Sri Sanjay Sharma, learned AGA through vedio conferencing.

At the very outset, learned Senior Advocate submitted that due to mistake, Special Chief Judicial Magistrate, Meerut is impleaded as respondent no. 3 and further requested that he may be deleted from the array of the respondents, which is not objected by learned AGA.

Accordingly, on his oral request, respondent no.3 stands deleted from the array of the respondents.

Learned Senior Advocate submitted that under the order of Hon'ble Supreme Court in Suo Moto Writ Petition (Civil) No. 01 of 2020, High Power Committee (*hereinafter referred to as "HPC"*) was constituted. The meeting of "HPC" was held on 26.4.2021 and on behalf of "HPC", Registrar General of High Court, Allahabad has issued certain directions on 30.4.2021 for release of prisoners on parole/interim bail for 60 days considering the widespread of novel corona virus. He next submitted that applicant was arrested under Section 132(1) (b) (c) and (i) of CGST Act and maximum punishment under these sections are only 5 years. He next submitted that in compliance of order dated 30.4.2021, a list of such prisoners was prepared by Jail Superintendent and same was submitted before the Special Chief Judicial Magistrate, Meerut. The Special Chief Judicial Magistrate has considered the same and rejected vide order dated 10.5.2021 on the ground that in terms of the direction dated 30.4.2021, neither any bail application of petitioner is pending before the High Court or Supreme Court nor any bail rejection order has been passed. He further submitted that in the direction of "HPC" dated 30.4.2021, there is no such condition required and without proper appreciating the facts as well as without following the directions issued by

"HPC", learned Special Chief Judicial Magistrate, Meerut has passed the impugned rejection order dated 10.5.2021. He also submitted that as per direction issued by "HPC" dated 30.4.2021, petitioner is fully entitled for release on parole/interim bail for 60 days. He further submitted that under the similar sections of CGST Act, considering the widespread of novel corona virus, Court has granted interim bail to similarly situated prisoners in previous year. Lastly, he submitted that order passed by Special Chief Judicial Magistrate, Meerut dated 10.5.2021 is absolutely contrary to the direction issued by the "HPC" dated 30.4.2021 and same is liable to be quashed.

Sri Vinod Kant, learned Additional Advocate General assisted by Sri Sanjay Sharma, learned AGA has fairly submitted that there is no such condition present in the direction dated 30.4.2021 on the basis of which impugned order has been passed. He next submitted that impugned order may be quashed and matter may be remanded back to the Special Chief Judicial Magistrate, Meerut to pass fresh order strictly in accordance with direction issued by "HPC" vide letter dated 30.4.2021.

I have considered the rival submissions advanced by the learned counsel for the parties and perused the direction issued by "HPC" on 30.4.2021. I found no such condition on the basis of which impugned order has been passed by Special Chief Judicial Magistrate, Meerut, therefore, impugned order lacks merit and is liable to be quashed.

Accordingly, the order dated 10.5.2021 passed by Special Chief Judicial Magistrate, Meerut is quashed and petition is **allowed**. Special Chief Judicial Magistrate, Meerut is directed to reconsider the application of petitioner and pass reasoned order within one week from the date of production of computer generated copy of this order strictly in accordance with direction issued by "HPC" vide letter dated 30.4.2021.

Order Date :- 25.5.2021

Junaid