



IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.5302 OF 2024
(@ SLP(CRL.) No. 9528/2024)

GIRRAJ SINGH MALINGA

APPELLANT(S)

VERSUS

STATE OF RAJASTHAN & ANR.

RESPONDENT(S)

O R D E R

1. Leave granted.
2. The appellant has been charged for the major offences punishable under Section 307, amongst others, read with Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the SC/ST (Prevention of Atrocities) Act, 1989. He was duly arrested and upon hearing the appellant, the learned Public Prosecutor and counsel for the defacto complainant, bail was granted by the order dated 17.05.2022. Thereafter, an application was filed by the defacto complainant seeking to cancel the bail on the premise that the appellant has violated the conditions imposed and conducting a public procession glorifying the alleged occurrence. This application was allowed by the impugned judgment dated 05.07.2024.
3. On the last occasion, we have indicated that the appellant should surrender before the hearing of the Special Leave Petition on merit. Accordingly, it has been brought on record

that he has surrendered.

4. Learned counsel appearing for the appellant submitted that there is a distinction between a challenge to the grant of bail and an application seeking cancellation. In the former, the grounds based on which the bail was granted can be questioned, in the latter, it is the jurisdiction of the Court which is restricted inclusive of bringing to the notice of the Court certain facts, which were not available initially and the subsequent developments which took place. The respondent No.2 has not challenged the grant of bail and the appellant did comply with the order of this Court. Considering the facts and circumstance of the case, the appeal will have to be allowed.
5. Per contra, learned counsel appearing for the State and learned counsel appearing for the complainant submitted that the appellant was involved in subsequent cases of land grabbing, apart from threatening the witnesses. The High Court did not take into consideration that even at the time of passing the earlier bail order pertaining to his antecedents, the appellant along with his associates have actually glorified the occurrence. The High Court did take into consideration these facts including the fact that the appellant was actually involved in the offence committed.
6. By way of a reply, learned counsel appearing for the appellant submitted that the case registered against the appellant for threatening the victim has been closed, which is disputed by

learned counsel for the respondents. A reply has been given by learned counsel appearing for the defacto complainant that a protest application has been filed which is pending consideration.

7. Suffice it is to state that an order challenging the bail granted is different from one seeking to cancel the same. On the earlier occasion, all the parties have been heard including the informant/defacto complainant.
8. Upon hearing those parties alone, the High Court passed the order. The said order was passed as early as 17.05.2022. Now, the present order has been passed by way of the impugned judgment after a period of two years. We have also perused the nature of complaint involved in the present case as against the subsequent complaints given.
9. Considering the above, we are inclined to set aside the impugned order, especially when the appellant has surrendered himself, pursuant to the observation made by us on the earlier occasion. Thus, taking into consideration the facts and circumstances of the case, we are inclined to set aside the impugned order.
10. Accordingly, the impugned order is set aside and the earlier order of bail granted stands restored. The appellant shall be released forthwith on the very same terms and conditions based on which he was granted bail.
11. We make it clear that insofar as any subsequent conduct of the appellant is concerned, our order will not stand in the way of

either the prosecution or the defacto complainant filing an appropriate application for cancellation at a later stage.

12. The appeal is allowed accordingly.

13. Pending application(s), if any, shall stand disposed of.

.....J.
[M.M. SUNDRESH]

.....J.
[ARAVIND KUMAR]

NEW DELHI;
13th DECEMBER, 2024

ITEM NO.3

COURT NO.11

SECTION II

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No(s). 9528/2024

[Arising out of impugned final judgment and order dated 05-07-2024 in SBCRBCA No. 66/2023 passed by the High Court of Judicature for Rajasthan at Jaipur]

GIRRAJ SINGH MALINGA

Petitioner(s)

VERSUS

STATE OF RAJASTHAN & ANR.

Respondent(s)

Date : 13-12-2024 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE M.M. SUNDRESH
HON'BLE MR. JUSTICE ARAVIND KUMAR

For Petitioner(s) Mr. Mukul Rohtagi, Sr. Adv.
Mr. Ajit Sharma, AOR
Mr. Aditya Vikram Singh, Adv.
Mr. Sameer Rohtagi, Adv.
Mr. Kanchan Kumar, Adv.
Mr. Akshat Sharma, Adv.
Mr. Amrit Pradhan, Adv.
Mr. Yuvarajsing Solnki, Adv.
Mr. Aditya Mishra, Adv.
Mr. Ravi Pachori, Adv.
Mr. Anshuman Singh, Adv.
Mr. Mishra Aditya, Adv.
Mr. Priyansh Jain, Adv.

For Respondent(s) Mr. Shiv Mangal Sharma, A.A.G.
Mr. Amogh Bansal, Adv.
Ms. Nidhi Jaswal, AOR

Mr. Mehmood Pracha, Adv.
Mr. Jasdeep Singh Dhillon, Adv.
Ms. Malti, Adv.
Ms. Amanat Kaur Chahal, Adv.
Mr. Anirudh Jamwal, Adv.
Mr. Aditya Jain, Adv.
Mr. Desam Sudhakara Reddy, Adv.
For M/S Mps Legal, AOR

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The relevant portion of the order reads as under:-

'The appellant shall be released forthwith on the very same terms and conditions based on which he was granted bail.'

The appeal is allowed in terms of the signed order.

Pending application(s), if any, shall stand disposed of.

(SWETA BALODI)
COURT MASTER (SH)

(POONAM VAID)
COURT MASTER (NSH)

(Signed order is placed on the file)