CASE NO.:
Appeal (crl.) 934 of 2002

PETITIONER:
State of U.P.

RESPONDENT:
Surendra Kumar Solanki

DATE OF JUDGMENT: 21/06/2007

BENCH:
Dr. ARIJIT PASAYAT & P.P. NAOLEKAR

JUDGMENT:
J U D G M E N T

Dr. ARIJIT PASAYAT, J.

1. Challenge in this appeal is to the order passed by a learned Single Judge of the Allahabad High Court while dealing with an application for bail filed by the respondent who was named in the First Information Report (in short the 'FIR') as an accused alleging commission of offence punishable under Sections 363 and 366 of the Indian Penal Code, 1860 (in short the 'IPC') and Section 3(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (in short the 'SCST Act'). The prayer was for release of the respondent on bail. Although there was no allegation of any improper investigation, the High Court started monitoring the case at different points of time and passed various orders. Ultimately, it passed the impugned order where serious criticism was leveled against the State Government and police officials. It was stated that the police officials are not doing proper investigation in many cases as they were engaged for other unimportant work. It was noted that many times grievance was made by senior police officers that the Court is too lenient in granting bail to criminals. It was, however, held that the State Government had failed to check the crime situation in the State and the State Government was warned to take serious action against criminals and to control the crime situation expeditiously. It was stated that senior officers in the Government of Uttar Pradesh were being repeatedly summoned to cast upon failure to comply with the orders of the High Court efficaciously. Direction was given to recover the missing girl within a stipulated time and to submit periodic report.

2. Grievance of the appellant is that there was no lapse noticed by the High Court in the investigation. The general and sweeping observations are uncalled for and are without any foundation. It is pointed out that the girl was traced out. She is married since 2004. Bail was granted to the respondent on 22.5.2002. The trial is in progress and the girl's statement has already been recorded and for recording further evidence the matter is posted on 30th June, 2007. Learned counsel for the respondent-accused does not dispute this position.

3. This Court has repeatedly held that observations which are really unnecessary for disposal of a case should not be made. A bare reading of the High Court's order shows that general and sweeping observations were made without

indicating any basis therefor. When there was no allegation by anybody about any lapse in the investigation and, in fact, the High Court's judgments does not indicate any infirmity in the investigation, there was no necessity for casting aspersion on the bona fides of the police officials and for making serious criticisms.

4. This appeal is disposed of directing deletion of the observations and criticisms made by the High Court vis a vis the Government and its officials. They were really unnecessary.