

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. _____ OF 2025
(@SPECIAL LEAVE PETITION (Crl.) NO. 2182 OF 2025)

STATE OF HARYANA

...APPELLANT(S)

VERSUS

SUBHASH CHANDER DUTT (DEAD) THROUGH
LR INDRA DUTT

....RESPONDENT(S)

O R D E R

Leave granted.

We have heard learned Solicitor General appearing for the appellant/State and Shri Sanjay Khanna, learned counsel for the respondent(s) at length.

During the course of submissions, learned Solicitor General appearing for the appellant/State contended that in fact CRM-M No.2763/2025 had been rendered infructuous on the date the matter was taken up by the High Court inasmuch as the petitioner before the High Court seeking bail had since deceased owing to medical reasons. In the circumstances, the said matter had been rendered infructuous. The High Court could have simply disposed of the case by recording the same. However, the High Court by a lengthy order has indicted the State which was represented by learned Additional Advocate General. In the circumstances, the State has been constrained to file

contd..

this appeal to seek expunging of the observations of the High Court as against the State and/or learned Additional Advocate General, who represented the State.

Per contra, learned counsel appearing for the legal representative(s) of the deceased petitioner before the High Court submitted that the High Court was justified in making the aforesaid observations which are really in the form of strictures as against the State as well as learned Additional Advocate General for the reason that the petitioner before the High Court who had sought for bail did not receive the relief at the hands of the High Court in time and consequently died due to medical reasons. He submitted that the observations as against the State and the learned Additional Advocate General may not be expunged as those observations are vital and justified.

We have considered the submissions advanced at the Bar in light of the facts of the case and by noting that on the date when the matter was taken up by the High Court, CRM-M No.2763/2025 had been rendered infructuous owing to the demise of the petitioner, who sought for bail owing to medical reasons. In fact, having regard to his medical condition the said petitioner was provided treatment at PGIMER, Chandigarh. However, even before regular bail could have been granted to him, he passed away.

Contd..

In the circumstances, the High Court could have simply disposed of the matter by recording the said fact. However, the High Court has proceeded to pass a lengthy order of about 26 paragraphs and in the said order apart from recording the fact that the petitioner in the said matter was since deceased nevertheless proceeded to make certain observations as against the State, who was represented by learned Additional Advocate General. We find that the said observations which are bordering on strictures were wholly unwarranted having regard to the facts and circumstances of the case.

We set aside the impugned order of the High Court by also expunging all those observations as against the State and/or learned Additional Advocate General, representing the State. We simply record that CRM-M No.2763/2025 had been rendered infructuous as on 31.01.2025 owing to the demise of the petitioner in the said case on account of medical reasons.

The Appeal is allowed and disposed of in the aforesaid terms.

Pending application (s) shall stand disposed of.

.....J.
[B.V. NAGARATHNA]

.....J.
[SATISH CHANDRA SHARMA]

NEW DELHI
APRIL 21, 2025

Petition(s) for Special Leave to Appeal (Crl.) No(s). 2182/2025
[Arising out of impugned final judgment and order dated 31-01-2025
in CRMM No. 2763/2025 passed by the High Court of Punjab & Haryana
at Chandigarh]

STATE OF HARYANA

Petitioner(s)

VERSUS

SUBHASH CHANDER DUTT (DEAD) THROUGH LR INDRA DUTT Respondent(s)

IA No. 36679/2025 - APPLICATION FOR SUBSTITUTION

IA No. 36676/2025 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT

Date : 21-04-2025 This matter was called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE B.V. NAGARATHNA

HON'BLE MR. JUSTICE SATISH CHANDRA SHARMA

For Petitioner(s) :Mr. Tushar Mehta, Solicitor General

Mr. Sidharth Luthra, Sr. Adv.

Mr. Sidharth Batra, Adv.

Mr. Harshit Sethi, Adv.

Mr. Akshay Amritanshu, AOR

Mr. Anil Yadav, Adv.

Mr. Kartikeya Dang, Adv.

Ms. Mansi Tripathi, Adv.

Ms. Drishti Rawal, Adv.

Ms. Pragya Upadhyay, Adv.

Ms. Drishti Saraf, Adv.

For Respondent(s) :Mr. Sanjay Khanna, Adv.

Ms. Pragya Bhsuhan, Adv.

Mr. Deepak Singh, Adv.

Mr. Ashish Pandey, AOR

UPON hearing the counsel the Court made the following

O R D E R

Leave granted.

The Appeal is allowed and disposed of in terms of
the signed order.

Pending application (s) shall stand disposed of.

(NEETU SACHDEVA)

ASTT. REGISTRAR-cum-PS

(DIVYA BABBAR)

COURT MASTER (NSH)

(Signed order is placed on the file)