

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.2898/2023
(Arising out of SLP(CRL.) No. 8212/2022)

KUSHAL PAL SINGH ..APPELLANT(S)

VERSUS

THE STATE OF UTTAR PRADESH & ANR. ..RESPONDENT(S)

O R D E R

Leave granted.

We find from the reading of the impugned order that the bail has been granted only on the premise that the hearing of the appeal in the near future is not possible. Prior to that the only contentions of the two sides are noted. The accused has been in custody for only four years and three months in a conviction under Section 302, IPC.

In our view, this ground itself could not form the basis of the bail order considering the period undergone. We are conscious of the fact that the detailed judgment is not to be pronounced in a bail matter but some reflection of the mind of the Court is necessary, however brief it may be. That is completely absent.

In view of the aforesaid, we set aside the impugned order and remit the matter for

consideration by the High court in accordance with the norms for grant of bail reflecting a brief reason why the bail is granted or rejected.

The appeal is disposed of.

Since respondent No. 2 is already on bail; we have set aside the impugned order and the matter is one of bail, we hope that the High Court will bestow early consideration in the matter. We grant permission to the said respondent to continue on bail till the matter is decided by the High Court.

.....J.
[SANJAY KISHAN KAUL]

.....J.
[SUDHANSHU DHULIA]

NEW DELHI,
SEPTEMBER 18, 2023.

ITEM NO.29

COURT NO.2

SECTION II

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) No(s). 8212/2022

(Arising out of impugned final judgment and order dated 21-07-2022 in CRMBA No. 1/2019 in Crl.A. No. 2170/2019 passed by the High Court Of Judicature At Allahabad)

KUSHAL PAL SINGH

Petitioner(s)

VERSUS

THE STATE OF UTTAR PRADESH & ANR.

Respondent(s)

IA No. 119783/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 119784/2022 - EXEMPTION FROM FILING O.T.)

Date : 18-09-2023 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE SUDHANSHU DHULIA

For Petitioner(s) Mr. Lal Singh Thakur, Adv.
Mohd. Parvez Dabas, Adv.
Mr./Ms. Uzmi Jameel Husain, Adv.
Mr. Sudhir Tewatia, Adv.
Ms. Aarti Rawal, Adv.
Mr. B.S. Rawal, Adv.
Mr. Syed Mehdi Imam, AOR

For Respondent(s) Mr. Ardhendumauli Kumar Prasad, A.A.G.
Mr. Sarvesh Singh Baghel, AOR
Ms. Pooja Singh, Adv.
Mr. Arun Pratap Singh Rajawat, Adv.
Mr. Ashish Madaan, Adv.
Ms. Ananya Sahu, Adv.
Ms. Saumya Sharma, Adv.

Mr. Yatindra Singh, Sr. Adv.
Mr. Ajay Kumar Singh, AOR
Mr. D V Singh, Adv.
Ms. Niharika Dubey, Adv.

Mr. Anubhaw Bhandari, Adv.
Mr. Shanti Svarup Singh, Adv.

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

Leave granted.

The appeal is disposed of in terms of the signed
order, *inter alia*, observing as under :

"Since respondent No. 2 is already on bail; we have set aside the impugned order and the matter is one of bail, we hope that the High Court will bestow early consideration in the matter. We grant permission to the said respondent to continue on bail till the matter is decided by the High Court."

Pending applications stand disposed of.

[CHARANJEET KAUR]
ASTT. REGISTRAR-cum-PS

[POONAM VAID]
COURT MASTER (NSH)

[Signed order is placed on the file]