

Saudan Singh vs The State Of Uttar Pradesh on 5 October, 2021

Bench: Sanjay Kishan Kaul, M.M. Sundresh

ITEM NO.5+11

Court 6 (Video Conferencing)

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.4633/2021

(Arising out of impugned final judgment and order dated 20-11-2018 in CR MBA No. 209280/2017 passed by the High Court Of Judicature at Allahabad)

SAUDAN SINGH

Petitioner(s)

VERSUS

THE STATE OF UTTAR PRADESH

Respondent(s)

(FOR ADMISSION and I.R.)

WITH

SLP(Crl) No. 4634/2021 (II)
(FOR ADMISSION and I.R.)

SLP(Crl) No. 4849/2021 (II)
(FOR ORDERS ON THE QUESTION OF MAINTAINABILITY OF PETITION.)

SLP(Crl) No. 4844/2021 (II)
(FOR ADMISSION and I.R.)

SLP(Crl) No. 4848/2021 (II)
(FOR ADMISSION and I.R. and IA No.72916/2021-CONDONATION OF DELAY IN FILING and IA No.72917/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.72920/2021-EXEMPTION FROM FILING O.T. and IA No.72922/2021-EXEMPTION FROM FILING AFFIDAVIT)

SLP(Crl) No. 4847/2021 (II)
(FOR ADMISSION and I.R.)

SLP(Crl) No. 4643/2021 (II)

SLP(Crl) No. 4396/2021 (II)
(FOR ADMISSION and I.R.)

SLP(Crl) No. 4642/2021 (II)
(FOR ADMISSION and I.R.)

SLP(Crl) No. 4641/2021 (II)
(FOR ADMISSION and I.R.)

SLP(Crl) No. 4640/2021 (II)
(FOR ADMISSION and I.R.)

SLP(Crl) No. 4332/2021 (II)
Signature Not Verified

(FOR ADMISSION and I.R.)
Digitally signed by
RASHI GUPTA
Date: 2021.10.06
SLP(Crl) No. 4639/2021 (II)
17:35:02 IST
Reason:

(FOR ADMISSION and I.R.)
SLP(Crl) No. 4638/2021 (II)

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(FOR ADMISSION and I.R.)
SLP(Crl) No. 4213/2021 (II)
(FOR ADMISSION and I.R.)
SLP(Crl) No. 4637/2021 (II)
(FOR ADMISSION and I.R.)
SLP(Crl) No. 4635/2021 (II)
(FOR ADMISSION and I.R.)
SLP(Crl) No. 4636/2021 (II)
(FOR ADMISSION and I.R.)

SLP(Crl) No. 5472/2021 (II)

SLP(Crl) No. 6928/2021 (II)
(FOR ADMISSION and I.R.)

SLP (Crl) No.6449/2021
(I.A.No.107174/2021- Exemption from filing C/C of the impugned judgment
I.A. No.107176/2021- Exemption from filing O.T.
I.A. No.107178/2021- Exemption from filing Affidavit)

Date : 05-10-2021 These petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE M.M. SUNDRESH

For Petitioner(s) Mr. Pardeep Gupta, Adv.
Mr. Parinav Gupta, Adv.
Mr. Krishna Kumar, Adv.
Ms. Mansi Gupta, Adv.
Ms. Nandani Gupta, Adv.
Ms. Mamta Sharma, Adv.
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Mr. Viraj R. Datar, Sr. Adv.
Mr. Nagendra Singh, Adv.

Mr. Ashish Pandey, Adv.
Mr. Amardeep Gaur, Adv.
Mr. Umakant Mishra, Adv.
Mr. Ronak Karanpuria, AOR

Mr. Indresh Upadhyay, Adv.
Mr. Brijesh Upadhyay, Adv.
Mr. Akhilesh Yadav, Adv.
Mr. Mohammad Arif, Adv.
Ms. Pankhuri, Adv.
Mr. Dhruv Chawla, Adv.
Mr. Tushar Singh, AOR

For Respondent(s) Mr. Shashank Shekhar Singh, AOR

Ms. Garima Prashad, Sr. Adv./AAG

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Mr. Sarvesh Singh Baghel, AOR
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Mr. Parth Yadav, Adv.
Ms. Deepika Kalia, Adv.
Mr. Dhawal Uniyal, Adv.
Mr. Vishnu Shankar Jain, AOR
Mr. Ajay Vikram Singh, AOR
Mr. Shantanu Singh, Adv.
Mrs. Priyanka Singh, Adv.
Mr. Rohit Pandey, Adv.
Mr. Neelambar Jha, Adv.
Mr. Chandra Shekhar, Adv.

Mr. Manish Shanker Srivastava, Adv.
Mr. Abhishek Kumar Singh, AOR
Ms. Pallavi Baghel, Adv.
Ms. Kalpana, Adv.

Ms. Sweta Rani, AOR
Mr. Anant Agarwal, Adv.

Mr. Yashvardhan, Adv.
Mr. Apoorv Shukla, AOR
Ms. Smita Kant, Adv.
Ms. Ishita Farsaiya, Adv.
Ms. Prabhleen Kaur, Adv.
Ms. Kritika Nagpal, Adv.
Ms. Bhavya Bhatia, Adv.

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

An affidavit has been filed by the High Court of Judicature at Allahabad that it is in agreement with the suggestions/ proposals listed as criteria for bail by the Government. If we peruse the said suggestions, in our view, it will make the exercise of grant of bail even more cumbersome. The fact of the matter is that if an appeal is pending at the High Court stage and the convict has already undergone eight years of actual sentence, exceptions apart, in most cases bail would be the rule. Despite this the cases are not coming up for consideration. We are not clear as to how much time does it take for a bail application to be listed in such a case. There may be convicts who may not be able to have the requisite access to legal advice for moving the bail application. The High Court must explore whether in all cases where convicts have undergone a sentence of actual eight years, the convicts can be considered for grant of bail.

In these suggestions, there are some exceptions sought to be carved out which have been extracted as under:-

“1. Heinous nature of Crime:

(a) Prohibited categories: To ensure public peace and the well-being of the society, life convicts who are hardened criminals, repeat offenders, kidnappers, in crimes related to massacre (three or more than three murders), habitual criminals, and fall in prohibited categories as per the U.P. Jail Standing Policy – no bail should be granted.” We are also conscious of a scenario where an appeal comes up for hearing and the appellant may be seeking adjournment rather than arguing the appeal. That case certainly would not be one for grant of bail as the Court is willing to bestow consideration on the merits of the appeal.

We are also in agreement that the convict must approach the High Court first as otherwise this Court is being unnecessary burdened but then there must be a mechanism to see that if he approaches the High Court, those bail applications are listed promptly.

In the conspectus of our broad observations, it is incumbent on the High Court to place before us as to how they propose to see that the cases mentioned aforesaid are taken up for consideration for grant of bail.

We may note that there may be even convicts in custody in cases other than life sentence cases and in those cases again the broad parameter of 50 per cent of the actual sentence undergone can be the basis for grant of bail.

We grant four weeks' time to the High Court to place before us their policy strategy in this behalf.

We would not like to derail the consideration of all these matters pending before us and thus consider it appropriate that all these matters are placed before the Bench of the High Court promptly so that their bail applications are considered.

In order to facilitate further examination of this problem, a separate Sua Moto petition can be registered and placed before the Court for further directions.

The Registry to register the Sua Moto proceeding and place it before Court on 16th November, 2021.

The petitions listed before us for bail be transferred to the High Court of Allahabad to be taken up urgently.

List after four weeks.

(RASHMI DHYANI)
COURT MASTER

(SUNIL KUMAR RAJVANSHI)
BRANCH OFFICER