

State Of Uttar Pradesh vs Dr. Ritu Garg on 24 March, 2025

Author: Sudhanshu Dhulia

Bench: Sudhanshu Dhulia

2025 INSC 385

NON-REPORTABLE

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. _____ OF 2025
(@Special Leave Petition (Crl.) No.7422 of 2023)

STATE OF UTTAR PRADESH ...Appellant(s)

VERSUS

DR. RITU GARG & ORS. ...Respondent(s)

JUDGMENT

K. VINOD CHANDRAN, J.

Leave granted.

2. The State of Uttar Pradesh is aggrieved with the directions issued by the learned Single Judge of the High Court, directing the Director, Central Bureau of Investigation¹ to register a case based on the statement of one Dr. Umakant under Section 161 of the Code of Criminal Procedure, 1973² and conduct investigation thereon; in a bail application.

3. Shri K.M. Nataraj, learned Senior Counsel appearing for the State took umbrage in such directions being issued in a bail application; which, according to him, has been deprecated by this Court also. The learned Senior Counsel has relied on the following decisions of this Court:

i) State of West Bengal and others v. Committee for Protection of Democratic Rights, West Bengal and others³;

1 "the C.B.I."
2 "the Cr.P.C."
3 (2010) 3 SCC 571

ii) State Represented by

Inspector of Police v. M. Murugesan and another⁴;

iii) Seemant Kumar Singh v.
Mahesh PS and others⁵; and

(iv) Union of India Thr. I.O.

Narcotics Control Bureau v. Man Singh Verma⁶.

4. It was also contended that the Uttar Pradesh Government had requested the Government of India for a C.B.I. inquiry as early as on 11.10.2022 and on 13.04.2023, there was a communication that it would not be feasible. As of now, the investigation has considerably progressed and transferring the same at this stage, would seriously affect the morale of the State Police. 4 (2020) 15 SCC 251 5 (2023) SCC OnLine SC 304 6 2025 INSC 292

5. The learned Counsel appearing for the respondent who is the applicant for bail, does not join issue.

6. The State of West Bengal² held that it was permissible for the High Court under Article 226 and the Supreme Court under Article 32 of the Constitution of India⁷ in exercise of the power of judicial review, to protect and enforce fundamental rights in general and Article 21 in particular, to issue directions to the CBI to investigate a case even without the consent of the State Government. However, it was cautioned that this extraordinary power has to be exercised sparingly, cautiously and in exceptional situations where it becomes necessary to provide credibility and instil confidence in investigations or where the incident may have 7 "the Constitution" national and international ramifications or where such an order may be necessary for doing complete justice or enforcing fundamental rights. M. Murugesan³ was a case in which this Court unequivocally held that the jurisdiction in a bail application ends, when a bail application is finally decided, either granting or refusing bail. Therein, after taking decision on bail application, the High Court had retained the file and directed the State to form a Committee and seek its recommendations on improving the quality of investigation; which was held to be improper, finding no such jurisdiction under Section 439 of the Criminal Procedure Code, 1973. The said decision was followed in Seemant Kumar Singh⁴ and Man Singh Verma⁵; in which latter decision it was noticed that time and again, the act of Courts overstepping the limits of its jurisdiction, has clearly been frowned upon.

7. In the instant case, the bail application stood allowed but based on a Section 161 Cr.P.C. statement, confronted to the Investigating Officer; present in Court, who also stated that the allegations made therein was not got verified from the senior officers of the Government; the directions were issued. We are afraid that no exceptional or extraordinary circumstance has been brought out from the Section 161 Cr.P.C. statement or a statement made by the Investigating Officer, who was present in the Court, without verifying the records. We are also bound by the precedents which unequivocally hold that there can be no such direction issued in a bail application.

8. The impugned order is set aside to the extent the directions are issued to the C.B.I. We make it clear that even the State did not have an objection to the bail granted in the present appeal and in that circumstance, we have refrained from looking at the facts leading to the investigation; lest that, in any manner, interfere with the investigation.

9. The appeal stands allowed as above.

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

....., J.

[SUDHANSHU DHULIA], J.

[K. VINOD CHANDRAN] NEW DELHI;

MARCH 24, 2025.