

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO(S). 2173 OF 2014
(@SLP (CRL.) NO.2710 OF 2013)

KULDEEP SINGH

APPELLANT(S)

VERSUS

STATE OF U.P. & ANR.

Respondent(s)

O R D E R

Leave granted.

Heard learned counsel for the appellant as also learned counsel for the accused respondent no.2.

Learned counsel for the appellant invited our attention to the first information report with regard to the involvement of the respondent-accused in the crime. The learned counsel also invited our attention to the subsequent conduct of the accused respondent no.2 after his enlargement on bail. In this regard, a complaint has been lodged in the jurisdictional police station.

After careful consideration of the first information report, the order impugned in this appeal and the rival legal contentions urged on behalf of the parties in regard to the grant of bail in favour of the accused respondent no.2, we find that the bail was granted contrary to the settled principles of law. The High Court has taken into consideration the affidavits of the villagers, which could not have been the basis for exercise of discretionary power of the High Court for grant of bail in favour of respondent in the murder case. Therefore, we allow this appeal, cancel the bail granted by the High Court and direct the accused respondent no. 2 to surrender before the learned trial Judge, to remain in custody till the trial is concluded and we further direct the learned trial Judge to expedite the hearing and conclude the trial within six months from the date of receipt of the copy of this order. If the accused does not surrender, as directed by us in this order, the learned trial Judge is directed that non-bailable warrant shall be issued to the accused and he shall be sent to the judicial custody for facing the trial.

With the aforesaid observation and direction this appeal is allowed.

.....J.
(V. GOPALA GOWDA)

.....J.
(ADARSH KUMAR GOEL)

NEW DELHI,
OCTOBER 08, 2014

ITEM NO.53

COURT NO.13

SECTION II

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No(s). 2710/2013

(Arising out of impugned final judgment and order dated 02/01/2013 in CRMBA No. 25550/2012 passed by the High Court Of Judicature at Allahabad)

KULDEEP SINGH

Petitioner(s)

VERSUS

STATE OF U.P. & ANR.

Respondent(s)

Date : 08/10/2014 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE V. GOPALA GOWDA
HON'BLE MR. JUSTICE ADARSH KUMAR GOEL

For Petitioner(s)

Mr. Vivek Gupta, Adv.
Mr. Anirudh Joshi, Adv.

For Respondent(s)

Mr. V.K. Shukla, AAG
Mr. Rajesh Kumar Maurya, Adv.
Mr. Abhishth Kumar, Adv.

Mr. Manish Mohan, Adv.
Ms. Anita Mohan, Adv.
Mr. Umang Shankar, Adv.

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

Leave granted.

The appeal is allowed in terms of the signed order.

(VINOD KUMAR)
COURT MASTER

(MALA KUMARI SHARMA)
COURT MASTER

(Signed order is placed on the file)