

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1163 OF 2022  
(Arising out of S.L.P.(CrI.) No. 3610 of 2022)

SANDEEP KUMAR PANDEY

.....Appellant(s)

Vs.

KAMLA SHANKER PANDEY & ANR.

.....Respondent(s)

O R D E R

Permission to file Special Leave Petition is granted.

Leave granted.

Having heard learned counsel for the parties and having perused the material placed on record, we have formed the opinion that the impugned order dated 29.03.2022, whereby the High Court accepted the third bail application moved by the respondent No. 1, who is facing trial in Case Crime No. 322 of 2013 for the offences under Sections 147, 148, 149, 302 and 34 IPC; and has granted bail to him essentially with reference to the "reformatory theory of punishment, and larger mandate of Article 21 of the Constitution of India" as also with reference to the decision of this Court in the case of *Dataram Singh v. State of U.P. and Another*, reported in (2018) 2 SCC 22, to say the least, does not reflect consideration of the relevant features of the case and relevant parameters for grant or refusal of bail during the pendency of trial.

In the given set of facts and circumstances of the case, without expressing any opinion on merits, we are clearly of the

view that the bail application so moved by respondent No. 1 deserves afresh consideration by the High Court.

Accordingly and in view of the above, this appeal is allowed; the impugned order dated 29.03.2022 is set aside; and Criminal Miscellaneous Bail Application No. 41734 of 2021 is restored for reconsideration of the High Court.

The parties through their respective counsel shall stand at notice to appear before the High Court on the restored bail application on 06.09.2022.

All pending applications stand disposed of.

.....J.  
(DINESH MAHESHWARI)

.....J.  
(SUDHANSHU DHULIA)

New Delhi;  
August 05, 2022.

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

Petition for Special Leave to Appeal (Cr1.) No. 3610/2022

(Arising out of impugned final judgment and order dated 29-03-2022 in CRMBA No. 41734/2021 passed by the High Court of Judicature at Allahabad)

SANDEEP KUMAR PANDEY

Petitioner(s)

VERSUS

KAMLA SHANKER PANDEY &amp; ANR.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.52502/2022-EXEMPTION FROM FILING O.T. and IA No.52499/2022-PERMISSION TO FILE PETITION (SLP/TP/WP/..) and IA No.52501/2022-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES )

Date : 05-08-2022 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE DINESH MAHESHWARI  
HON'BLE MR. JUSTICE SUDHANSHU DHULIAFor Petitioner(s) Mr. Arvind Kumar Shukla, Adv.  
Ms. Reetu Sharma, AOR  
Ms. Neena Shukla, Adv.  
Mr. Vaasu Chaudhary, Adv.  
Mr. Tushaar Swamy, Adv.  
Mr. Amit Kumar, Adv.  
Mr. Shantanu Shukla, Adv.  
Ms. Anu Singhla, Adv.For Respondent(s) Mr. V.K. Shukla, Sr. Adv.  
Mr. Shailendra Mani Tripathi, Adv.  
Mr. Abhishek Jaiswal, Adv.  
Mr. Abhigya Kushwah, AOR  
  
Mr. Vinod Dimatrar, AAG  
Mr. Adarsh Upadhyay, AOR  
Ms. Shakshi Kakkar, Adv.  
Mr. Aman Pathak, Adv.

Mr. B.N. Dubey, Adv.

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

Permission to file Special Leave Petition is granted.  
Leave granted.

The appeal is allowed in terms of signed order.

All pending applications stand disposed of.

(NEETA SAPRA)  
COURT MASTER (SH)

(Signed order is placed on the file)

(RANJANA SHAILEY)  
COURT MASTER (NSH)