

[2023 LiveLaw \(SC\) 1066](#)

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
C.T. RAVIKUMAR; J., SANJAY KUMAR; J.

Special Leave Petition (Crl.) No.15585 of 2023; December 12, 2023

Rajpal versus State of Rajasthan

Bail - Issue of conflicting decisions on bail applications arising from the same FIR, despite earlier directives to list all matters related to one FIR before the same Judge. In light of continued discrepancies across High Courts, the Court directs to communicate the order to all High Courts, emphasizing the importance of uniformity in handling bail applications arising from the same FIR. (Para 3 – 5)

(Arising out of impugned final judgment and order dated 19-10-2023 in SBCRLMTBA No. 12009/2023 passed by the High Court of Judicature for Rajasthan at Jaipur)

For Petitioner(s) Mr. Rishi Matoliya, AOR Mr. H. D. Thanvi, Adv. Mr. Nikhil Kumar Singh, Adv. Mr. Mahendra Singh Inda, Adv. Ms. Sumati Sharma, Adv.

ORDER

1. Learned counsel for the petitioner, after arguing for some time, sought permission to withdraw this special leave petition. Recording the said submission, this special leave petition is dismissed as withdrawn, but with the following observation touching the recurrence of a situation occurring despite the repeated orders of this Court made with a view to avert such situations.

2. On going through the pleadings in the special leave petition, it is evident that the case of the petitioner is founded on the claim of parity, in view of the factual position that his co-accused was granted bail by a Coordinate Bench of the High Court of Judicature for Rajasthan, Bench at Jaipur but his application for bail was rejected. True that the impugned judgment would reveal that even after going through the order dated 29.08.2023 passed in the case of co-accused by the Coordinate Bench, the Bench concerned took exception to it stating that the judgment of this Court in **Narcotics Control Bureau v. Mohit Aggarwal, reported in (2022) 6 WLC 58 (SC)** was not taken into consideration.

3. In view of the grant of permission to withdraw the special leave petition, we do not think it necessary to delve into the matter any further. However, we have to reiterate the concern of this Court on the lethargy in following the earlier orders in the matter of dealing with bail applications arising out of the same FIR to avoid conflicting decisions. We shall not be understood to have said that at all circumstances co-accused in such cases are invariably entitled to parity and that such entitlement is certainly dependent on various relevant facts and factors.

4. A three-Judge Bench of this Court in SLP (Crl.) No.7203 of 2023 as per order dated 31.07.2023, took note of such a situation and observed as follows: -

“7. We have come across various matters from the High Court of Allahabad, wherein matters arising out of the same FIR are placed before different Judges. This leads to anomalous situation. Inasmuch as some of the learned Judges grant bail and some other Judges refuse to grant bail, even when the role attributed to the applicants is almost similar.

8. We find that it will be appropriate that all the matters pertaining to one FIR are listed before the same Judge so that there is consistency in the orders passed.”

5. After making such observations, this Court issued a direction to the Registrar (Judicial) of this Court to communicate the said order to the Registrar (Judicial) of the High Court of Allahabad.

6. Now, taking note of the fact that such situations are occurring in other High Courts as well, we are of the view that the Registrar (Judicial) of the Registry of this Court be directed to communicate this order along with a copy of the order dated 31.07.2023 in SLP (Crl.) No.7203 of 2023 to the Registrar (Judicial) of all the High Courts. On their receipt, they shall place the orders before the Hon'ble Chief Justice of the respective High Courts.

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