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IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

SANJAY KAROL; J., NONGMEIKAPAM KOTISWAR SINGH; J.
SPECIAL LEAVE PETITION (Crl.) No. 4240 of 2026; MAY 22, 2026
BHAGAT SINGH versus THE STATE OF UTTAR PRADESH AND ANR.

Bharatiya Nagarik Suraksha Sanhita, 2023 – Section 194 – Code of Criminal Procedure, 1973 – Section 174 – Scope and Purpose of Inquest Proceedings – Bail Parameters - The Supreme Court held that the scope of an inquiry under Section 174 of the Cr.P.C. (now corresponding to Section 194 of the BNSS, 2023) is a preliminary enquiry of a limited and specific character, strictly confined to ascertaining the apparent cause of death - It is neither intended nor required to record a detailed account of the incident or register the names of the accused persons who might have caused the death - The High Court was not justified in drawing an adverse inference to grant bail to the accused merely because the informant and another panch witness had not made specific allegations against the accused during the inquest proceedings - Non-mention of the author of the crime in the inquest report cannot, by itself, be a valid reason to doubt the involvement of an accused who is subsequently named. [Relied on *Pedda Narayana v. State of A.P.*, (1975) 4 SCC 153; *Amar Singh v. Balwinder Singh*, (2003) 2 SCC 518; Paras 12-14]

Criminal Procedure – Grant of Bail – Judicial Discretion and Duty to Consider Material Evidence - The Supreme Court observed that while the judicial discretion to grant bail is wide, it must be exercised in a judicious, reasoned manner by advertent to the settled parameters, especially where accusations are grave - The High Court erred in isolating the omission in the inquest proceedings while completely ignoring vital material collected during the investigation - A specific overt act attributed to the accused in the FIR, the corroborative post-mortem report showing firearm injuries, the recovery of the weapon at the instance of the accused, and the statements of witnesses recorded under Section 180 of the BNSS, 2023 constitute material circumstances that cannot be brushed aside - Assigning reasons not in consonance with settled bail principles in serious offences renders the order unsustainable. [Paras 14-16]

For Petitioner(s): Mr. Siddharth Aggarwal, Sr. Adv. Mr. Krishnan Aggarwal, Adv. Mr. R.c. Tiwari, Adv. Mr. Guruprasad Naik, Adv. Ms. Garima Sachdeva, Adv. Mr. Sidhant Saraswat, Adv. Mr. Aryan Panwar, Adv. Mr. Dcosta Ivo Manuel Simon, AOR

For Respondent(s): Mr. Ajay Kumar Mishra, Sr. Adv. Mr. Shashank Shekhar Singh, AOR Mr. Manish Kumar, Adv. Mr. Abhinav Singh, Adv. Mr. Kushagra Pandey, AOR Mr. Abhinav Raghuvanshi, Adv. Mr. Ved P. Singh, Adv.

ORDER

1. Leave granted.
2. The present Criminal Appeal has been preferred by Bhagat Singh (hereinafter referred to as “the Appellant”), who is the nephew of the deceased Bharat Singh alias Pappu, and the informant in the present case, challenging the order dated 22nd January, 2026 (hereinafter referred to as the “impugned order”), passed by the High Court of Judicature at Allahabad in Criminal Miscellaneous Bail Application No. 2223 of 2026, by which the Respondent No. 2 - Accused No.1, Kunwarpal Singh, was released on bail.

3. The Respondent No. 2 along with two co-accused persons is alleged to have committed the murder of the Appellant's uncle and is arrayed as Accused No. 1 in FIR No. 118 of 2025 registered at Police Station Chhata, District Mathura, Uttar Pradesh, for offences punishable under Sections 103(1)¹, 352², 351(2)³, 3(5)⁴ of the Bharatiya Nyaya Sanhita, 2023 and Sections 5⁵, 25⁶ and 27⁷ of the Arms Act, 1959.

4. The case of the Prosecution, briefly, is that on 8th March, 2025, at about 10:30 a.m., when the Appellant and his deceased uncle Bharat Singh alias Pappu were proceeding towards their agricultural field, the Respondent No. 2 along with two co-accused persons, emerged from concealment, armed with country-made pistols, surrounded the deceased, abused him, and thereafter, fired multiple shots at him, causing his instantaneous death. Consequently, FIR No. 118 of 2025 came to be registered on the same day at about 6:32 p.m. after the completion of the inquest and the post-mortem, and Respondent No. 2 herein was arrested on the following day, i.e., 9th March, 2025.

5. During the investigation pursuant to the disclosure statement made by the Respondent No. 2 on the 9th March, 2025, a country-made .315 bore pistol along with a spent/empty cartridge was recovered at his instance. Thereafter, upon completion of the investigation, Chargesheet No. 1 of 2025 dated 29th May, 2025 was filed.

6. In such circumstances, the Respondent No. 2 Accused No. 1 filed a Bail Application No. 3591/2025 before the Court of Sessions Judge, Mathura, who, vide a detailed order dated 26th September, 2025, rejected the same upon due consideration of the facts and circumstances of the case, the gravity of the offence, post-mortem report and the recovery of the murder weapon at his instance.

7. As the Trial Court declined to enlarge the Respondent No. 1 on regular bail, he approached the High Court and prayed for the grant of bail by way of Criminal Miscellaneous Bail Application No. 2223 of 2026. By the impugned order dated 22nd January, 2026, the High Court allowed the said bail application, observing *inter alia* that the informant, i.e., the Appellant and Shivcharan (brother of the deceased), who were Panch Witnesses, had not made any allegation against the Respondent No. 2 herein at the stage of inquest proceedings, and holding that, "*prima facie*" it is a fit case to release the applicant, viz., Respondent No. 2 on bail.

8. Before this Court, assailing the impugned order, the Appellant contends that the High Court has passed a cryptic, non-speaking and unreasoned order without adverting to the material facts, records and circumstances of the case, thereby rendering the impugned order perverse and unsustainable in law.

9. Having heard learned counsel appearing for the parties and upon perusal of the material placed on record, we are persuaded to accept the submissions advanced on behalf of the Appellant. The impugned order, in our considered opinion, suffers from non-application of mind and is cryptic and bereft of substantial reasoning or analysis of the material particulars.

¹ **Punishment for murder** – (1) Whoever commits murder shall be punished with death or imprisonment for life, and shall also be liable to fine.

² **Intentional insult with intent to provoke breach of peace.**

³ **Criminal Intimidation** – ... (2) Whoever commits the offence of criminal intimidation shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

⁴ **General explanations** – ... (5) When a criminal act is done by several persons in furtherance of the common intention of all, each of such persons is liable for that act in the same manner as if it were done by him alone.

⁵ **Licence for manufacture, sale, etc., of arms and ammunition.**

⁶ **Punishment for certain offences.**

⁷ **Punishment for using arms, etc.**

10. At the outset, it may be noted that Respondent No. 2 has been specifically named in the FIR with a direct overt act attributed to him of firing upon the deceased. The postmortem report, which records ante-mortem firearm injuries, including entry and exit wounds with blackening and tattooing, with the forensic opinion that the death occurred due to shock and haemorrhage resulting from firearm injury.

11. Further, the record also reveals that the alleged murder weapon, namely a .315 bore country-made pistol along with a spent cartridge, was recovered at the instance of Respondent No. 2, from his uncle's room, during the investigation. The statements of the witnesses recorded under Section 180⁸ of the Bharatiya Nagarik Suraksha Sanhita, 2023, including those of the Appellant, Savitri (wife of the deceased), Shivcharan alias Shiboo (brother of the deceased), and Sunil Kumar, also *prima facie* support the allegation against the Respondent No. 2 of his involvement in the alleged crime.

12. One of the reasons assigned by the High Court in enlarging the Respondent No.2 on bail is the absence of allegations in the inquest proceedings by the two Panch witnesses. It is well settled that the scope of an inquiry under Section 174⁹ of the Code of Criminal Procedure, 1973, now corresponding to Section 194¹⁰ of the Bharatiya Nagarik Suraksha Sanhita, 2023, is a preliminary enquiry of a limited and specific character confined to ascertaining the apparent cause of death and not to record a detailed account of the incident or the names of the accused persons who could have caused the death. In this regard, a reference may be made to the decision of this Court in *Pedda Narayana v. State of A.P.*¹¹, wherein it was held as follows:

“11. A perusal of this provision would clearly show that the object of the proceedings under Section 174 is merely to ascertain whether a person has died under suspicious circumstances or an unnatural death and if so what is the apparent cause of the death. The question regarding the details as to how the deceased was assaulted or who assaulted him or under what circumstances he was assaulted appears to us to be foreign to the ambit and scope of the proceedings under Section 174. In these circumstances, therefore, neither in practice nor in law was it necessary for the police to have mentioned these details in the inquest report...”

13. Similarly, this Court, while discussing the purpose and scope of Section 174 of the Code of Criminal Procedure, 1973, in *Amar Singh v. Balwinder Singh*¹², observed as under:

“12. The High Court has also held that the details about the occurrence were not mentioned in the inquest report which showed that the investigating officer was not sure of the facts when the inquest report was prepared and this feature of the case carried weight in favour of the accused. We are unable to accept this reasoning of the High Court. The provision for holding of an inquest and preparing an inquest report is contained in Section 174 CrPC. The heading of the section is “Police to enquire and report on suicide etc.” Sub-section (1) of this section provides that when the officer in charge of a police station or some other police officer specially empowered by the State Government in that behalf receives information that a person has committed suicide, or has been killed by another or by an animal or by machinery or by an accident, or has died under circumstances raising a reasonable suspicion that some other person has committed an offence, he shall immediately give information to the nearest Executive Magistrate and shall proceed to the place where the body of such deceased person is, and there, in the presence of two or more respectable inhabitants of the neighbourhood, shall make an investigation, and draw up a report of the apparent cause of death describing such wounds, fractures, bruises, and other marks of

⁸ Examination of witnesses by police.

⁹ Police to enquire and report on suicide, etc.

¹⁰ Police to enquire and report on suicide, etc.

¹¹ (1975) 4 SCC 153.

¹² (2003) 2 SCC 518.

injury as may be found on the body and stating in what manner, or by what weapon or instrument (if any), such marks appear to have been inflicted. The requirement of the section is that the police officer shall record the apparent cause of death describing the wounds as may be found on the body and also the weapon or instrument by which they appear to have been inflicted and this has to be done in the presence of two or more respectable inhabitants of the neighbourhood. The section does not contemplate that the manner in which the incident took place or the names of the accused should be mentioned in the inquest report. The basic purpose of holding an inquest is to report regarding the apparent cause of death, namely, whether it is suicidal, homicidal, accidental or by some machinery etc.”

14. Thus, non-mentioning of the author of the crime or the person who had caused the death in the inquest report cannot, by itself, be a reason to doubt the involvement of the accused, who may be subsequently named. Therefore, the High Court was not justified in drawing an adverse inference merely because the informant-Appellant and another Panch witness had not made any allegations against the Respondent No. 2 at the stage of inquest proceedings. The judicial discretion to grant bail, though undoubtedly wide, is nevertheless required to be exercised in a judicious and reasoned manner by adverting to the settled parameters governing the grant of bail, particularly where the accusations are grave in nature.

15. Even assuming that the High Court could have taken into consideration the non-mentioning of Respondent No. 2 during the inquest proceedings, the same could not have been viewed in isolation while ignoring the other materials collected during the investigation. The specific overt act attributed to Respondent No. 2 in the FIR, the chargesheet, the post-mortem report corroborating the prosecution’s version, the recovery of the alleged weapon at the instance of Respondent No. 2, as well as the statements of the witnesses recorded under Section 180 of the Bharatiya Nagarik Suraksha Sanhita, 2023, constituted material circumstances which required due consideration. In our considered view, the aforesaid materials, which *prima facie* implicate Respondent No. 2, could not have been brushed aside solely on account of the alleged omission during the inquest proceedings.

16. In view of the above discussion, and having regard to the material placed on record, we are, therefore, of the considered view that the High Court, while enlarging Respondent No. 2 on bail, failed to take into consideration the material facts and circumstances of the case and assigned reasons which are not in consonance with the settled principles governing the grant of bail, especially, in serious offences.

17. Accordingly, the impugned order dated 22nd January, 2026, passed by the High Court of Judicature at Allahabad in Criminal Misc. Bail Application No. 2223 of 2026 is set aside. The matter is remanded back to the High Court for fresh consideration of the aforesaid bail application of Respondent No. 2 in accordance with the law.

18. It is clarified that we have not expressed any opinion on the merits of the case, and the High Court shall consider the matter independently and in accordance with the law. Respondent No. 2 is directed to surrender within 1 week to the concerned jail authorities and shall remain in judicial custody till appropriate order is passed by the High Court on reconsideration of the bail application.

19. The Appeal is allowed in the aforesaid terms. Pending application(s), if any, shall stand disposed of.