

**2022 LiveLaw (SC) 210**

**IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION  
VINEET SARAN; ANIRUDDHA BOSE, JJ.  
FEBRUARY 15, 2022.**

CRIMINAL APPEAL NO.227 OF 2022 (Arising out of Special Leave Petition (Crl.) No(s).6941/2021) WITH  
CRIMINAL APPEAL NO.228 OF 2022 (Arising out of Special Leave Petition (Crl.) No(s).6942/2021)  
CRIMINAL APPEAL NO.229 OF 2022 (Arising out of Special Leave Petition (Crl.) No(s).6943/2021)

**SABIR v. BHOORA @ NADEEM & ANR.**

**Code of Criminal Procedure, 1973 - Section 439 - Bail - In the case of murder (under Section 302 IPC), it is expected that at least some reason would be given while reversing the order of the Trial Court, which had rejected the bail application by a reasoned order. (Para 4)**

(Arising out of impugned final judgment and order dated 02-08-2021 in CRMBA No.10130/2021 passed by the High Court Of Judicature At Allahabad)

*For Petitioner(s) Mr. M.C. Dhingra, Adv. Mr. Gaurav Dhingra, AOR*

*For Respondent(s) Mr. Siddharth Dave, Sr. Adv. Ms. Tanya Agarwal, Adv. Mr. Durga Dass Vashist, Adv. Ms. Eliza Siram, Adv. Ms. Vidhi Thakkar, Adv. Mrs. Shubhangi Tuli, AOR Mr. Sudhanshu Kaushesh, Adv. Mr. Siddharth Jain, Adv. Mr. Palav Agarwal, Adv. Mr. Ashutosh Kumar, Adv. Mr. K.P. Jayaram, Adv. 5 Ms. Vanshika Agarwal, Adv. Mr. Yash Agarwal, Adv. Mr. Pulkit Agarwal, AOR Mr. Ashok Kumar Gupta, AOR Mr. Arun Kumar Mishra, Adv. Mr. Zaid Ansari, Adv. Mr. Ajay Kumar Misra, Sr. Adv. (AAG) Mr. Sarvesh Singh Baghel, AOR Mr. Ajay Kumar Prajapati, Adv.*

**ORDER**

Leave granted.

These appeals arise out of the same FIR dated 18.08.2020 lodged under Section 302 of the IPC for the murder of the brother of the complainant. The complainant has filed these appeals. The respondents were arrested after nearly six months of the incident. The Trial Court rejected their bail application. However, the High Court has granted the bail to the respondents in the appeals by the impugned orders, which are under challenge in these appeals.

We have heard learned counsel for the appellant as well as learned counsel for the accused/respondents. We have also heard Mr. Ajay Kumar Misra, learned AAG for the State, who has supported the case of the appellant and perused the material placed on record.

On perusal of the impugned orders, what is noteworthy is that in the impugned orders passed by the High Court no reason has been given for grant of bail. In the case of murder (under Section 302 IPC), it is expected that at least some reason would be given while reversing the order of the Trial Court, which had rejected the bail

application by a reasoned order. What we notice is that in the impugned orders the High Court, while granting bail, has only stated that “*Keeping in view the nature of offence, evidence, complicity of the accused, severity of the punishment, submissions of learned counsel for the parties and without expressing any opinion on the merits of the case, this Court is of the view that the applicant is entitled to be enlarged on bail during the pendency of the trial*”. In the present case, the nature of the offence is very grave i.e. murder under Section 302 IPC and if such reasons are to be accepted for granting bail, then probably in all cases bail would be granted.

Since we find that no reasons have been given in substance and there is only narration of facts in the orders impugned, we are of the opinion that the orders impugned deserve to be set aside.

Keeping in view the aforesaid, the appeals are allowed and impugned orders dated 02.08.2021, 20.07.2021 & 25.01.2021 are set aside. We, however, direct that the Trial Court may expedite the trial and make every endeavour to conclude it within eight months from the receipt of a copy of this order. The appellants shall not seek any adjournment before the Trial Court. We further observe that in case the trial is not concluded within the aforesaid time, the respondents shall be at liberty to file fresh application for bail before the Trial Court.

With the aforesaid observations, the appeals stand allowed.

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