

SUPREME COURT OF INDIA

REPORTABLE

Bench: Justices C.T. Ravikumar and Sanjay Kumar

Date of Decision: 12th December 2023

CRIMINAL APPELLATE JURISDICTION

Special Leave Petition (Crl.) No. 15585 of 2023

RAJPAL ...PETITIONER

VERSUS

STATE OF RAJASTHAN ...RESPONDENT

Subject: Special Leave Petition in a criminal matter involving issues of bail and parity among co-accused, with emphasis on consistent handling of cases arising from the same FIR.

Headnotes:

Withdrawal of Petition – Petitioner seeks withdrawal of the special leave petition after initial arguments – Petition dismissed as withdrawn with observations on the need for uniformity in handling bail applications. [Para 1]

Bail and Parity among Co-Accused – Case founded on claim of parity in bail, contrasting petitioner’s denial of bail with co-accused’s grant by High Court of Judicature for Rajasthan – Importance of considering Supreme Court judgments in similar cases highlighted. [Para 2]

Observations on Consistent Handling of Cases – Court’s concern over inconsistent decisions in bail matters from the same FIR – Emphasis on avoiding conflicting decisions and considering relevant factors for co-accused bail parity. [Para 3]

Precedent for Consistency – Reference to a three-Judge Bench order in SLP (Cri.) No. 7203 of 2023 on similar issues – Direction for listing FIR-related matters before the same judge for consistent orders. [Paras 4-5]

Directive to High Courts – Order to communicate this decision and SLP (Cri.) No. 7203 of 2023 order to all High Courts for implementation – Aimed at ensuring uniformity and consistency in judicial decisions across similar cases. [Para 6]

Referred Cases:

Narcotics Control Bureau v. Mohit Aggarwal, reported in (2022) 6 WLC 58 (SC)

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 Recording the said submission, this special leave petition is dismissed as withdrawn, but with the following observation touching the recurrence of a situation occurring despite the repeated orders of this Court made with a view to avert such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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