

Jaswant Singh and Others

Vs

State of U. P.

Special Leave (Criminal) No. 1894 of 1987

(A. P. Sen, L. M. Sharma JJ)

07.12.1987

ORDER

1. We are distressed to find that there is complete lack of judicial approach on the part of the State Government as well as the Designated Court in opposing the grant of bail on the earlier two occasions on the ground that the petitioners were 'Sikhs' and residents of Punjab. There can be no differential treatment between citizens and citizens in the matter of grant of bail. Surprisingly enough on the third occasion the application for bail was not considered on the pretext that the similar applications were dismissed on the earlier two occasions. There is complete miscarriage of justice and we direct the Designated Court to apply its mind and, if necessary, after hearing the Public Prosecutor, pass and order as to whether bail should be granted or not according to law. We are informed that there is nothing on record to suggest that the petitioners are disentitled to bail.

2. The special leave petitions is disposed of accordingly.

Court Master.

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