

SUPREME COURT OF INDIA

Naresh Pal Singh

Vs.

Raj Karan

(G Pattanaik and S Quadri JJ.)

18.01.1999

ORDER

1. Leave granted.

2. This appeal is directed against the order of Allahabad High Court, releasing the accused-Raj Karan on bail. The High Court appears to have accepted the plea of the accused that he was on election duty at the relevant point of time and, accordingly, has released him on bail. No attention has been focussed with regard to the nature of offence or any other materials. Such an order, on the face of it, cannot be sustained. Mr. Lalit, learned senior counsel appearing for the accused-respondent however, submitted that the accused has been released on bail since April, 1998 and more than eight months have elapsed in the meantime and there is no allegation of any further overt act or tampering with the prosecution evidence and, consequently, the grant of bail should not be cancelled. Though this is a vital consideration, yet the High Court having not focussed its attention to all the relevant materials and having released the accused-Raj Karan on bail, we think it appropriate to remit the matter to the High Court for reconsideration. Moreso, when in Criminal Appeal No. 23/99, we have remitted the question of reconsideration for the bail of accused-Suresh Pal Singh. We make it clear, we are not expressing any opinion as to whether, in the facts and circumstances, accused-Raj Karan should or should not be released on bail and we further direct that accused-Raj Karan, who is already on bail, may be continued to be so until the disposal of his bail application afresh by the High Court, after taking into consideration all relevant materials including that he is on bail for all this time.

3. The appeal is disposed of, accordingly.