

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.307 OF 2020  
(Arising out of SLP (Criminal) No.274 of 2018)

RAMESH Appellant

VERSUS

MANGAL SHARMA @ MANGAL PANDEY & ANR. Respondents

WITH  
CRIMINAL APPEAL NO.308 OF 2020  
(Arising out of SLP (Criminal) No.6789 of 2018)

RAMESH Appellant

VERSUS

RAM BABU SHARMA Respondent

**O R D E R**

CRIMINAL APPEAL NO.307 OF 2020  
(Arising out of SLP (Cr1.) No.274 of 2018)

Leave granted.

This appeal challenges the judgment and order dated 21.11.2017 passed by the High Court of Judicature for Rajasthan at Jaipur, allowing S.B. Criminal Misc. Bail Application No.14526 of 2017.

In connection with FIR No.86 dated 28.02.2017, registered with Police Station Sanganer, Jaipur, for the offences punishable under Section 302 read with Section 120B IPC as well as Section 3 read with Section 25 of the Arms Act, the present respondent was arrested. Subsequently, charge-sheet was filed in the matter.

By order dated 21.11.2017, the respondent was directed to be released on bail by the High Court observing *inter alia* that the respondent was not initially named in the FIR. Though the Public Prosecutor had opposed the application for bail, the submissions that the respondent had criminal antecedents and injury no.4 "marks of blackening" could be associated with fire-arm stated to have been used in the matter, were rejected and the respondent was directed to be released on bail.

This Court issued notice on 09.01.2018.

CRIMINAL APPEAL NO.308 OF 2020  
(Arising out of SLP (Criminal) No.6789 of 2018)

Leave granted.

This appeal challenges the judgment and order dated 16.05.2018 passed by the High Court of Judicature for Rajasthan at Jaipur, allowing S.B. Criminal Misc. Bail Application No.6043 of 2018.

The respondent herein is co-accused in the same crime being FIR No.86 dated 28.02.2017, registered with Police Station Sanganer, Jaipur, for the offence punishable under Section 302 read with Section 120B IPC as well as Section 3 read with Section 25 of the Arms Act. The respondent was arrested on 04.03.2017.

By order dated 16.05.2018, the respondent was directed to be released on bail by the High Court by observing that the co-accused (namely, the respondent in the earlier matter) was enlarged on bail though there was allegation of use of fire-arm against him. The High Court thus directed release of the respondent on bail.

In this matter, notice was issued by this Court on 13.08.2018.

CRIMINAL APPEAL NOS.307 and 308 OF 2020

Both these matters were thereafter taken together and by order dated 06.01.2020, the Trial Court was directed to consider the matter at the stage of framing of the charges.

We have now been informed by the learned counsel appearing for the parties that the matter has since then been considered by the Trial Court and by order dated 20.01.2020, the Trial Court has framed charges against both the accused for having committed the offence under Section 302 read with Section 120B IPC. Additionally, as regards respondent-accused Mangal Sharma, charge under Section 3 read with Section 25 of the Arms Act has also been framed.

Considering the entirety of the matter, in our view, the High Court was not right and justified in directing release of the respondents-accused on bail, specially in a matter where the offence alleged is one under Section 302 read with Section 120B IPC.

We, therefore, allow these appeals, set-aside the orders passed by the High Court in both the matters and direct as under:

- (a) Both the respondents shall, within two weeks from today, surrender before the concerned Trial Court, who shall then remand the respondents to custody;
- (b) Since the charges have been framed, we direct the Trial Court to consider concluding the entire proceedings as early as possible and preferably

within one year from the date of receipt of this order; and

(c) In case the respondents fail to surrender themselves, the bail bonds shall stand forfeited and the concerned police station shall take appropriate steps to arrest them.

A copy of this order shall be communicated to the jurisdictional Chief Judicial Magistrate as well as the concerned Police Station for compliance.

The appeals stand allowed in aforesaid terms.

.....J.  
[UDAY UMESH LALIT]

.....J.  
[ANIRUDDHA BOSE]

NEW DELHI;  
FEBRUARY 17, 2020

ITEM NO.24

COURT NO.6

SECTION II

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition for Special Leave to Appeal (Cr1.) No.274/2018

(Arising out of impugned final judgment and order dated 21-11-2017 in SBCRLMB No.14526/2017 passed by the High Court Of Judicature For Rajasthan At Jaipur)

RAMESH

Petitioner(s)

VERSUS

MANGAL SHARMA @ MANGAL PANDEY &amp; ANR.

Respondent(s)

WITH

SLP(Cr1) No.6789/2018 (II)

Date : 17-02-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT  
HON'BLE MR. JUSTICE ANIRUDDHA BOSE

For Petitioner(s)

Mr. Abhishek Gupta, AOR  
Mr. Zafar Innayat, Adv.

Mr. Aruneshwar Gupta, Sr. Adv.  
Mr. Naveen Kumar Singh, Adv.  
Ms. Swati Arya, Adv.  
Ms. Akshita Jain, Adv.  
Ms. Adarsh Nain, AOR

For Respondent(s)

Dr. Surender Singh Hooda, AOR

Dr. Manish Singhvi, Sr. Adv.  
Mr. Arpit Parkash, Adv.  
Mr. Satyender Kumar, Adv.  
Mr. D.K. Devesh, AOR

Mr. Milind Kumar, AOR

UPON hearing the counsel the Court made the following  
O R D E R

Leave granted.

The appeals are allowed, in terms of the Signed Order.

Pending application(s), if any, shall stand disposed of.

(MUKESH NASA)  
COURT MASTER

(SUMAN JAIN)  
ASSISTANT REGISTRAR

(Signed Order is placed on the File)