

CASE NO.:  
Appeal (crl.) 671 of 2008

PETITIONER:  
Siddharth Jain

RESPONDENT:  
State (NCT) of Delhi through Commissioner of Police

DATE OF JUDGMENT: 16/04/2008

BENCH:  
ASHOK BHAN & DALVEER BHANDARI

JUDGMENT:  
JUDGMENT  
O R D E R

CRIMINAL APPEAL NO.671 OF 2008  
(Arising out of SLP(Crl.) No.7804/2007)

Leave granted.

Appellant has been convicted by the trial court under section 7 and 13(2) read with Section 13(1)(d) of Prevention of Corruption Act (for short 'the Act') and sentenced to undergo R.I. for 2 years under Section 7 and RI for three years under Section 13(2) of the Act along with fine. Both the sentences were to run concurrently.

Being aggrieved, appellant filed an appeal in the High Court of Delhi at New Delhi along with an application for bail under Section 389 of the Code of Criminal Procedure. Learned Single Judge admitted the appeal but refused to grant bail to the appellant, against which the present appeal by grant of special leave has been filed.

This Court on 08.01.2008, while issuing notice, granted interim bail to the appellant.

Heard learned senior counsel for the parties.

It is a settled law that where the sentence is less or up to three years, the Courts should ordinarily grant bail to the accused because in view of the long pendency of the cases in the High Courts, a matter will come on Board after a long time and by that time the accused might have completed his sentence.

By way of advice, we deem it fit to say that in a number of similar orders passed by the same learned Judge refusing to grant bail in the cases where the maximum sentence is three years, this Court has interfered earlier also and granted bail to the accused. Keeping in view that this Court has interfered earlier also in such cases, this learned Judge should not pass such orders as it entails undue hardship to the litigant who has to approach this Court for getting bail and thus increases the burden of this Court.

In view of the above position, in our view, appellant deserves to be released on bail during the pendency of the appeal in the High Court. By our order dated 08.01.2008, appellant was given interim bail. The said order is made absolute till the appeal is finally decided by the High Court.

The Appeal is allowed accordingly.