

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 922 OF 2013
(@ SPECIAL LEAVE PETITION (CRL.) NO. 24 OF 2013)

HARI OM YADAV

... APPELLANT(S)

VERSUS

DINESH SINGH JAAT & ANR.

... RESPONDENT(S)

O R D E R

1. Leave granted.
2. This appeal is directed against the judgment and order passed by the High Court of Madhya Pradesh, Bench at Gwalior in I.A.No.7088 of 2012 in Criminal Appeal No.876 of 2011, dated 27.09.2012. By the impugned judgment and order, the High Court has granted bail to the respondent No.1-herein, during the pendency of the appeal before it.
3. Aggrieved by the order so passed by the High Court the Complainant is before us in this criminal appeal. He submits that the High Court, without assigning any reasons whatsoever, could not have exercised its discretionary power to grant bail to the accused person, who was involved in a double murder case, moreso when the appeal is still pending before the High Court for its consideration and decision.
4. We have heard learned counsel for the parties to the *lis*.
5. Having carefully perused the order passed by the High

Court, in our opinion, the order so passed is a cryptic order. It is a settled position of law that an order which does not contain any reason is no order in the eye of law. Therefore, the said order is liable to be set aside and the matter requires to be remanded back to the High Court for fresh disposal in accordance with law.

6. In the result, the appeal is allowed and the order passed by the High Court is set aside. The matter is remanded back to the High Court for fresh consideration of I.A.No.7088 of 2012 in Criminal Appeal No.876 of 2011, in accordance with law after affording opportunity of hearing to both the parties.

7. During the pendency of this application, the respondent who was earlier granted bail, will now surrender before the police authorities. The High Court is requested to dispose of the said application as early as possible at any rate within an outer limit of two months from the date of receipt of a copy of this Court's order.

8. The Criminal Appeal is disposed of accordingly.

Ordered accordingly.

.....J.
(H.L. DATTU)

.....J.
(DIPAK MISRA)

NEW DELHI;
JULY 12, 2013