

ITEM NO.3+4

COURT NO.1

SECTION II-D

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) No(s).21367/2025

[Arising out of impugned final judgment and order dated 23-12-2025
in CRLMB No.359/2022 passed by the High Court of Delhi at New
Delhi]

CENTRAL BUREAU OF INVESTIGATION

Petitioner(s)

VERSUS

KULDEEP SINGH SENGAR

Respondent(s)

(IA No. 338520/2025 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT)

Item No.4

Diary No(s).75128/2025

(IA No. 338418/2025 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT, IA No. 338417/2025 - PERMISSION TO FILE PETITION
(SLP/TP/WP/..)

Date : 29-12-2025 These matters were called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE J.K. MAHESHWARI
HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
(VACATION BENCH)

For Petitioner(s) :Mr. Tushar Mehta, Solicitor General

Mr. Mukesh Kumar Maroria, AOR

Ms. Nasadiya Singh, Adv.

Mr. Aman Mehta, Adv.

Mr. Kamal Kishore, Adv.

Mr. Pradeep Kumar Yadav, Adv.

Mr. Shailendra Mani Tripathi, Adv.

Mr. Deepak Yadav, Adv.

Ms. Anjale Patel In Person, Adv.

Ms. Pooja Shilpkar In Person, Adv.

Mr. Priyendu Raghav Mishra, Adv.

Mr. Praveen Kumar Mishra, Adv.

Mr. Pramod Yadav, Adv.

Mr. Manish Nagpal, Adv.

Mr. Kamlesh Kumar Maurya, Adv.
Ms. Priya Maurya, Adv.
Ms. Prakriti Pandey, Adv.
Ms. Khushboo, Adv.
Mr. Surender Kumar, Adv.
Ms. Manisha Yadav, Adv.
Mr. Sanjeev Malhotra, AOR

For Respondent(s) : Mr. Mehmood Pracha, Adv.
Mr. R. H. A. Sikander, AOR
Mr. Jatin Bhatt, Adv.
Mr. Sanawar, Adv.
Mr. Kshitij Singh, Adv.
Ms. Nuzhat Naseem, Adv.
Mr. Sikander Raza, Adv.
Mr. Kumail Abbas, Adv.
Mr. Asad Mirza, Adv.
Mr. Hasan, Adv.
Ms. Heema, Adv.

Mr. N. Hariharan, Sr. Adv.
Mr. Siddharth Dave, Sr. Adv.
Mr. Tanveer Ahmed Mir, Sr. Adv.
Mr. S.P.M Tripathi, Adv.
Mr. Shantanu Singh, Adv.
Mr. Ravi Sehgal Gaurav, Adv.
Ms. Rekha Punya Angara, Adv.
Mr. Arjan Singh Mandala, Adv.
Mr. Amit Sinha, Adv.
Mr. Rahul Poonja, Adv.
Mr. Pawan Kumar Sharma, Adv.
Mr. P. S. Sudheer, AOR
Mr. Bharat Sood, Adv.
Mr. Hemant Shah, Adv.
Ms. Kamna Singh, Adv.
Mr. Umesh Pratap Singh, Adv.
Mr. Pratyush Ranjan, Adv.
Mr. Ajeet Kumar, Adv.
Ms. Vaishali Singh, Adv.

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

SLP (Crl.) No(s).21367/2025

1. We have heard learned Solicitor General of India at a considerable length in support of this special leave petition filed by the CBI. We have also heard learned senior counsel representing the respondent (convict).

2. We find that there are various substantial questions of law which arise for consideration in the special leave petition.

3. Issue notice, returnable on 20.01.2026.

4. Mr. P.S. Sudheer, AOR accepts notice on behalf of respondent.

5. Counter affidavit, if any, be filed within four weeks.

6. We are conscious of the fact that ordinarily when a convict/under-trial has been released on bail pursuant to an order passed by the Trial Court or the High Court, such order shall not be stayed by this Court without hearing such person. However, the instant matter revolves around certain unique facts and circumstances, wherein the respondent-convict is also separately convicted and sentenced in a case under Section 304 Part II of the IPC and is consequently still in custody. We are informed that in such proceedings also, the respondent-convict has applied for bail, and after hearing the arguments, the order is said to have been reserved by the concerned Court.

7. Keeping in mind these peculiar circumstances, we deem it appropriate to stay the operation of the impugned order dated 23.12.2025 passed by the High Court.

8. Consequently, the respondent shall not be released from custody pursuant to the said order.

9. The victim has a statutory right to file a separate special leave petition. She does not require any liberty from this Court. In case she needs any free legal aid, the Supreme Court Legal Services Committee is directed to provide such services to her. However, she may, if so advised, file her appeal through counsel of her own choice.

Diary No(s).75128/2025

10. Post the matter on 20.01.2026.

**(ARJUN BISHT)
ASTT. REGISTRAR-cum-PS**

**(PREETHI T.C.)
ASSISTANT REGISTRAR**