

2026 LiveLaw (SC) 153

**IN THE SUPREME COURT OF INDIA
CRIMINAL ORIGINAL JURISDICTION**

ARAVIND KUMAR; J., PRASANNA B. VARALE; J.

WRIT PETITION (CRIMINAL) NO.55/2026; February 10, 2026

BINAY KUMAR SINGH & ANR. *versus* STATE OF JHARKHAND & ORS.

Constitution of India, 1950 – Article 32 – Enforcement of Fundamental Rights – Abuse of Criminal Process – Successive FIRs – The Supreme Court allowed a Writ Petition where the State registered multiple FIRs in quick succession to ensure the petitioner remained in custody despite being granted bail in earlier matters – Noted that such conduct by the prosecution established a conscious effort to keep the petitioner incarcerated, amounting to a violation of personal liberty.

Constitution of India, 1950 – Article 32 – Powers of the Supreme Court – Article 32 is the "heart and soul" of the Constitution as it empowers citizens to directly approach the Supreme Court for the enforcement of fundamental rights – Noted that it will not readily refuse to hear a petition under Article 32 if a violation of a fundamental right is prima facie established.

Criminal Procedure – Investigation – Cooperation of Accused – Cooperation with an investigation does not mean the accused must render a confession to suit the convenience of the prosecution – Noted that the State's claim of "non-cooperation" with "a pinch of salt" when used as a justification for continued custody in the face of successive FIR registrations. [Paras 7-13]

WITH CRIMINAL APPEAL NO. 815 OF 2026 @ SPECIAL LEAVE PETITION (CRIMINAL) NO.20248/2025

For Petitioner(s): Mr. R.Basant, Sr. Adv. Mr. Basava Prabhu S. Patil, Sr. Adv. Mr. Aditya Dewan, Adv. Ms. Himangi Kapoor, Adv. Ms. Ramneet Kaur, Adv. Mr. Kumar Abhishek, Adv. Mr. Arijeet Shukla, Adv. Mr. Sivanandh Lahiri, Adv. Mr. Raunak Arora, Adv. Samir Malik, AOR

For Respondent(s): Mr. Mukul Rohatgi, Sr. Adv. Mr. Arunabh Choudhary, Sr. Adv. Ms. Pallavi Langar, AOR Ms. Pragya Baghel, Adv. Mr. Sujeet Kumar Chaubey, Adv.

ORDER

WRIT PETITION (CRIMINAL) NO.55/2026:

1. In this Writ Petition under Article 32 of the Constitution of India, petitioners are seeking for the following reliefs:

A. Issue an appropriate writ, order, or direction under Article 32 read with Article 142 of the Constitution of India declaring that the actions of the Respondents in repeatedly invoking and deploying the criminal process against the Petitioners, particularly in relation to the FIR as mentioned above, are arbitrary, mala fide, and unconstitutional, amounting to a gross abuse of process and a continuing violation of the Petitioners' fundamental rights under Articles 14, 19 and 21 of the Constitution of India;

B. Pass an order directing that the Petitioner No. 1 be released on bail in connection with FIR dated 24.11.2025 Case No. DA Case No. 20/2025, ACB Ranchi and FIR dated 26.11.2025 bearing FIR No. 458/2025 registered at PS Jagannathpur on such terms and conditions as this Hon'ble Court may deem fit in the facts and circumstances;

C. Issue an appropriate writ, order, or direction restraining the Respondents from misusing the process of criminal law by seeking cancellation of the Petitioner No. 1's anticipatory bail on grounds extraneous, irrelevant, or unconnected with FIR dated 20.05.2025 bearing ACB Ranchi P.S. Case No. 09/2025 under Sections 120B r/w 420, 467, 468, 471, 409, 107, 109 IPC

(corresponding BNS provisions) and Sections 7(c), 12, 13(2) r/w 13(1)(a) of the PC Act, 1988 (as amended);

D. Issue an appropriate writ, order, or direction restraining the Respondents from taking any coercive action against Petitioner No. 2 in connection with Case No. 11/2025, P.S. ACB Hazaribagh dated 25.09.2025, DA Case No. 20/2025, P.S. ACB Ranchi dated 24.11.2025, and FIR No. 458/2025, P.S. Jagannathpur dated 26.11.2025, during the pendency of the present petition.

E. Pass an order directing that the Respondents shall not register any further FIR(s) or initiate any fresh criminal proceedings against Petitioner No. 1 and Petitioner No. 2, without the prior leave of this Hon'ble Court.

F. Pass such consequential and protective directions as this Hon'ble Court may deem fit and proper to secure and protect the personal liberty of the Petitioners, including restraining the Respondents from taking any further coercive steps against the Petitioners, his family members, employees, or associates, without the leave of this Hon'ble Court and setting aside all illegal and coercive actions undertaken pursuant thereto, in the interests of justice, equity and the rule of law.

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2. We have heard the arguments of Mr. Basava Prabhu S. Patil and Mr. R. Basant, learned Senior Counsels appearing for the petitioners and assisted by their team and Mr. Mukul Rohatgi and Mr. Arunabh Choudhary, learned Senior Counsels appearing for the respondents and assisted by their team.

3. The sum and substance of the contentions urged and pleas advanced in the Writ Petition is to the effect that petitioner No.1 was called upon to appear before the Anti-Corruption Bureau, Ranchi in FIR No.9/2025 on 20.05.2025 for the offences punishable under Sections 420, 467, 468, 471, 409, 107, 109 of the Indian Penal Code, 1860 ("IPC") and Sections 7(c), 12/13(2) read with Section 13(1)(a) of the Prevention of Corruption Act, 1988 ("PC Act") and while being questioned, the ACB Hazaribagh registered FIR No.11/2025 in which petitioner No.1 was arraigned as an accused. It is further contended that initially the brother of petitioner No.1 had filed Writ Petition (Criminal) No.653/2025 for challenging the alleged illegal arrest which came to be dismissed by the Jharkhand High Court vide order dated 17.10.2025. In the meanwhile, petitioner No.1 who was arrested resulted in State seeking police custody in view of FIR No.11/2025 having been registered. In the interregnum challenging the order of dismissal of the Writ Petition (Criminal) No.653/2025 dated 17.10.2025, Special Leave Petition (Criminal) No.18006/2025 was filed before this Court with liberty to file an application for bail in FIR No.11/2025 and on such application, i.e., IA No.298031/2025 being filed, notice was issued on the said bail application. In the meanwhile, two other FIRs being FIR No.20/2025 and FIR No.458/2025 came to be registered on 24.11.2025 and 26.11.2025 for the offences alleged thereunder.

4. This Court having taken up Special Leave Petition (Criminal) No.18006/2025 took note of the fact that the application for grant of bail was pending before the Jharkhand High Court in B.A. No.10499/2025 and as such requested the High Court for expeditious disposal of the Bail Application and preferably within one week vide order dated 28.11.2025. The said application for bail came to be dismissed on 04.12.2025 and petitioner No.1 was remanded to judicial custody in FIR No.458/2025. Challenging the order of dismissal of Bail Application by the High Court, petitioner No.1 filed Special Leave Petition (Criminal) No.20248/2025 before this Court and was granted an interim bail on 17.12.2025 which has now been made absolute by order of even date. It is pertinent to note at this juncture itself that this Court had heard the arguments of the respective learned Senior Counsels appearing for the parties and despite this stiff resistance posed by

respondent No.1 – State, this Court after having perused the entire case-papers and taking a holistic view was of the firm and considered view that the grant of bail was warranted and accordingly, it was granted, namely, an interim bail was granted enabling respondent No.1 – State to file its counter-affidavit and accordingly, the counter-affidavit came to be filed on 19.01.2026.

5. The thrust of the arguments of the learned Senior Counsels appearing for the petitioner is to the effect that the respondents authorities initially after having called upon petitioner No.1 to appear for inquiry and failing in their attempt to extract the confession to suit their convenience started filing one FIR after the another in order to ensure that despite bail being granted not only by the trial court but also by this Court is not given its effect or in other words, petitioner No.1 would continue to languish behind the bars.

6. On the other hand, Mr. Mukul Rohatgi, learned Senior Counsel appearing for respondent No.1 – State would contend that in the two subsequent FIRs, namely, FIR No.20/2025 and FIR No.458/2025 wherein petitioner No.1 himself has sought for grant of bail before the trial court and having suffered an order of dismissal as devised, this Writ Petition has arose to contend as though there is violation of fundamental right and invoking the extra-ordinary jurisdiction of this Court and same should not be astute by this Court. He would also vehemently contend that petitioner No.1 is having the remedy of seeking bail before the jurisdictional High Court as such the Writ Petition ought not to be entertained and it is liable to be dismissed. He would also elaborate his submission by contending that in the instant case, there has been large scale of irregularities under the Jharkhand Excise Policy also and though in the initial FIR registered as FIR No.9/2025, no role had been attributed to petitioner No.1. The fact remains that the preliminary inquiries revealed that petitioner Nos.1 and 2 had purchased the forest land and got mutation done in connivance with the Government Officials and it is being a large scale illegalities, the custodial interrogation of petitioner No.1 would be warranted and as such he seeks for dismissal of the Writ Petition.

7. Having heard the learned counsels appearing for the parties, we are reminded of what the Chairman of the Constituent Assembly Dr. B.R. Ambedkar had said by moving the Constituent Assembly on Article 32 of the Constitution of India, he said that Article 32 of the Indian Constitution is deemed to be “heart and soul” of the Constitution as it empowers any citizen to directly approach the Supreme Court for the enforcement of fundamental rights. It enables the Court to issue Writs of *Habeas Corpus*, *Mandamus*, *Quo Warranto*, *Prohibition* and *Certiorary* and to rectify any other errors which is *prima facie* illegal.

8. This Court on many occasions have reiterated the said fundamental principle of Article 32 of the Constitution of India and it has been emphasized that this Court will not readily refuse to hear a petition under Article 32 of the Constitution of India if there is violation of the fundamental right is *prima facie* established, by keeping in mind the similar powers granted to the High Court under Article 226 of the Constitution of India. Keeping this the salutary principles in mind when we turn our attention to the facts on hand, we are inclined to accept the submission of learned counsels appearing for the petitioners in the facts and circumstances obtained and revealed in the instant case and for the reasons enumerated hereinbelow.

9. At the outset, it requires to be noticed that petitioner No.1 was called for by the ACB Ranchi in FIR No.9/2025 for the purposes of investigation. While taking up the investigation and on the same day, FIR No.11/2025 came to be registered by the ACP Hazaribagh for the offences punishable referred to *hereinsupra*, namely, pertaining to

alleged mutation of forest land in the name of petitioner Nos.1 and 2 in the year 2010 with alleged connivance of the Government Officials. Though, it is very intriguing to note that the mutation entry having taken place in the year 2010 with the approval of hierarchy of Revenue Officials yet for fifteen long years, they did not pursue the matter and only in the year 2025, the said FIR has been registered. We do not propose to go into the correctness or otherwise of the said registration of the FIR at this stage as it is likely to prejudice the rights of the parties. We leave at it.

10. This Court while entertaining the prayer for grant of bail in Special Leave Petition (Criminal) No.20248/2025 whereunder, bail which came to be refused by the Jharkhand High Court in B.A. No.10499/2025 had granted interim bail on 17.12.2025. It is rather intriguing and aghast, we notice that while submissions were being made before this Court on 17.12.2025, there was not even a whisper with regard to FIR No.20/2025 or FIR No.458/2025.

11. Mr. Mukul Rohatgi, learned Senior Counsel appearing for respondent No.1 – State though would draw the attention of this Court to the counteraffidavit filed by the State to buttress his argument that it had been brought to the notice of this Court of said FIRs having been registered, it is to be noticed that the said counter-affidavit was filed on 19.01.2026 and as such the subsequent or succeeding FIRs registered against the petitioners *prima facie* seems to be to ensure that petitioner No.1 is kept in continued custody despite the order of bail granted by this Court and to trunk it to the said order. Even otherwise, the alleged non-cooperation of the petitioners with the investigation is to be considered with a pinch of salt. He say so for the simple reason that cooperation of the accused in the investigation does not necessarily mean and include that the accused would be rendering the confession to suit the convenience of the prosecution.

12. In the instant case, this Court is fully satisfied the successive registration of FIRs was to ensure to keep petitioner No.1 within the custody and we are also fortified by the fact that on grant of bail by this Court on 17.12.2025, petitioner No.1 has been remanded to custodial interrogation by order dated 19.12.2025 passed by the jurisdictional Magistrate in FIR No.458/2025 and again further remand was granted for seven days as against the prayer of fourteen days by the order dated 20.12.2025 in FIR No.20/2025 by the jurisdictional Magistrate. These continued acts and conduct of the prosecution would clearly establish that the respondents have consciously ensure that petitioner No.1 is kept in custody.

13. For these cumulative reasons, we are of the considered view that petitioner No.1 is entitled to be released forthwith on bail in FIR No.20/2025 registered on 24.11.2025 and FIR No.458/2025 registered on 26.11.2025 and he not being an accused in FIR No.9/2025 registered on 20.05.2025 for which he has already been granted anticipatory bail by the jurisdictional Court, we do not propose to pass any orders in that regard. Since petitioner No.2 has not yet been arrested, we make it clear that no coercive steps shall be taken against her subject to the condition that she shall cooperate with the investigation. Accordingly, the Writ Petition is allowed. Rule made absolute.

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

CRIMINAL APPEAL NO. 815 OF 2026 @ SPECIAL LEAVE PETITION (CRIMINAL) NO.20248/2025

1. Heard.

2. Leave granted.

3. The appellant who has been arraigned as an accused in FIR No.11/2025 registered for the offence punishable under Sections 13(2) read with Section 13(1)(d) of the PC Act and Sections 420, 467, 468, 471 and 120-B of the IPC.
4. This Court by order dated 17.12.2025 granted an interim bail subject to appellant cooperating with the investigation.
5. We have heard the arguments of Mr. Basava Prabhu S. Patil, learned Senior Counsel appearing for the appellant and Mr. Mukul Rohatgi, learned Senior Counsel appearing on behalf of the respondent – State.
6. Mr. Mukul Rohatgi, learned Senior Counsel appearing for the respondent – State would fairly submit that he has no objection for the interim order being made absolute in the teeth of chargesheet having been filed on 22.12.2025. Placing his submission on record.
7. In the light of the said submission made, we allow this appeal directing the appellant to be enlarged on bail on such terms and conditions as the jurisdictional court may impose including the conditions of directing the appellant to appear before the trial court on all dates of hearing except when exempted and cooperating with the investigation. Accordingly, the appeal stands allowed.
8. Pending application(s), if any, shall stand disposed of.

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