

ITEM NO.44

COURT NO.5

SECTION PIL-W

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

SUO MOTO WRIT PETITION(CRIMINAL) No(s). 4/2021

IN RE POLICY STRATEGY FOR GRANT OF BAIL

Petitioner(s)

VERSUS

Respondent(s)

[TO BE TAKEN UP AT 2.00 P.M.]

IA No. 28005/2024 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 203408/2022 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 84395/2025 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 132106/2022 - EXEMPTION FROM FILING O.T.
 IA No. 63329/2025 - EXEMPTION FROM FILING O.T.
 IA No. 164210/2024 - EXEMPTION FROM FILING O.T.
 IA No. 104475/2025 - EXTENSION OF TIME
 IA No. 241784/2025 - EXTENSION OF TIME
 IA No. 172994/2025 - EXTENSION OF TIME
 IA No. 203407/2022 - INTERVENTION APPLICATION
 IA No. 27999/2024 - INTERVENTION/IMPLEADMENT
 IA No. 131472/2025 - INTERVENTION/IMPLEADMENT
 IA No. 84394/2025 - INTERVENTION/IMPLEADMENT
 IA No. 269110/2024 - INTERVENTION/IMPLEADMENT
 IA No. 131478/2025 - PERMISSION TO APPEAR AND ARGUE IN PERSON

WITH

SLP(Crl) No. 529/2021 (II-C)
 IA No. 125258/2024 - ANTICIPATORY BAIL
 IA No. 125257/2024 - CLARIFICATION/DIRECTION
 IA No. 21807/2024 - EXEMPTION FROM FILING O.T.
 IA No. 119551/2024 - INTERVENTION/IMPLEADMENT
 IA No. 279441/2024 - INTERVENTION/IMPLEADMENT
 IA No. 173609/2024 - PERMISSION TO FILE ADDITIONAL
 DOCUMENTS/FACTS/ANNEXURES
 IA No. 21806/2024 - PERMISSION TO FILE APPLICATION FOR DIRECTION

Date : 04-11-2025 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE M.M. SUNDRESH
HON'BLE MR. JUSTICE SATISH CHANDRA SHARMA

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

SLP(Crl) No. 529/2021:

PREMATURE RELEASE- COMPLIANCE WITH EARLIER DIRECTIONS DATED
18.02.2025 AND 25.04.2025

1. We have heard the learned counsel appearing for the respective States and Ms. Liz Mathew, the learned Amicus Curiae.
2. Learned Amicus, by placing reliance upon the chart, has submitted that five of the States namely Assam, Himachal Pradesh, Meghalaya, Uttar Pradesh and West Bengal are yet to adopt and implement the draft policy and rules including adequate amendments to give effect to the earlier directions issued by this Court.
3. Insofar as the State of Kerala is concerned, a partial compliance is required with respect to furnishing of reasons in the event of rejection of a plea for premature release.
4. The learned counsel appearing for the aforesaid five states submitted that the needful will be done within a period of two months from the date of this order.

5. Accordingly, as a last and final opportunity, we grant two months' time to the States of Assam, Himachal Pradesh, Meghalaya, Uttar Pradesh and West Bengal to ensure full and complete compliance from the date of this order.
6. Learned counsel appearing for the State of Kerala submitted that an appropriate amendment will have to be introduced in an Act, which is a legislative function, and therefore, more time is required. It is further submitted that all the other compliance have been made, except the one with respect to furnishing of reasons supporting rejection of a plea for premature release.
7. Taking note of the said submission, we grant four months' time to the State of Kerala, from the date of this order to undertake the said exercise.
8. The learned Amicus has also submitted that it would only be appropriate to request the High Courts to monitor and supervise the compliance of the respective State remission policies, by duly taking note of the earlier orders passed by this Court.
9. We find the said submission as acceptable and accordingly, we request the Hon'ble Chief Justices of the respective High Courts to register a suo moto writ petition and thereafter, a Division Bench shall be constituted to monitor and supervise the implementation of the remission and premature release policies of the respective States. The progress in this regard shall be informed by the High Court, by way of an affidavit,

before the next date of hearing.

10. We make it clear that the respective States shall comply with the earlier orders which is inclusive of undertaking the exercise of consideration, at least six months prior to the eligibility of a convict so that unwanted time by way of incarceration even after a convict becomes eligible for premature release can very well be avoided.
11. We further make it clear that the aforesaid directions will have to be complied with in letter and spirit in order to get over the practical difficulties, as in some of the cases concurrence of the Ministry of Home Affairs would be required before taking a final decision on the question of premature release.
12. The pending requests of 18 cases, pertaining to the State of Karnataka, Haryana, Manipur and Delhi, are expected to be disposed of by the Ministry of Home Affairs within a period of four weeks from the date of receipt of a copy of this order.
13. Registry is directed to transmit the affidavits/records pertaining to compliance reported by each State to the respective High Courts.

PENDENCY OF CRIMINAL APPEALS - COMPLIANCE OF ORDER DATED 08.05.2025

1. We have been informed by Ms. Liz Mathew, learned Amicus that some of the High Courts have not complied with order dated 08.05.2025.
2. The learned counsel appearing for some of the High Courts

submitted that they have complied with the order, though belatedly. Be that as it may, we are inclined to extend the time by four weeks by making it clear that no more extension request shall be entertained.

3. Accordingly, time to comply with the order dated 08.05.2025 is extended by four weeks from the date of this order.

IN SLP(Crl.) No.529/2021

1. Mr. Devenash Mohta, learned Amicus submitted that the following 12 High Courts have not complied with the earlier order passed on 08.05.2025:-

- i. Allahabad High Court
- ii. Chhatisgarh High Court
- iii. Delhi High Court
- iv. High Court of Jammu & Kashmir & Ladakh
- v. Jharkhand High Court
- vi. Karnataka High Court
- vii. Orissa High Court
- viii. Rajasthan High Court
- ix. Telangana High Court
- x. Tripura High Court
- xi. Uttarakhand High Court
- xii. Bombay High Court

2. We are inclined to grant four more weeks, as a last and final chance, to comply with the order passed.

3. Accordingly, as a last and final chance, four weeks' time is granted to the aforementioned High Courts to comply with the earlier directions from the date of this order.
4. Registry is directed to serve the affidavits of compliance filed by Gujarat and Karnataka and the others to be filed, to the learned Amicus.

We place on record the excellence assistance rendered by the learned Amici.

List the matters on 20.01.2026 at 2.00 P.M.

(SWETA BALODI)
ASTT. REGISTRAR-cum-PS

(POONAM VAID)
ASSISTANT REGISTRAR