

Criminal Procedure Code, 1973

Bail — Annulment vs Cancellation — Annulment operates in field distinct from cancellation — Cancellation premised on supervening circumstances or post-bail misconduct; annulment justified where order vitiated by perversity, illegality, arbitrariness or non-application of mind — Bail set aside where High Court ignored prior cancellation, death of witness, gravity of SC/ST Act offences and criminal antecedents. (S.C.) 2025-3 PLR 232

FIR — Not Encyclopaedia — FIR need not contain every minute detail as primary purpose is to set criminal law in motion — Deposition not to be construed as embellished simply because of absence of certain particulars in FIR when testimony consistent with overall narrative. (S.C.)(S.N.) 2025-3 PLR 144

Section 161 — Statement — Use for Section 319 — Indian Evidence Act, 1872, Section 32(1) — Statement under Section 161 though not substantive evidence may be used to corroborate evidence recorded by court to invoke power under Section 319 — When conjointly read with deposition, can support application under Section 319. (S.C.) 2025-3 PLR 144

Section 219 — Joint Trial vs Separate Trial — Bharatiya Nagarik Suraksha Sanhita, 2023, Section 242 — Separate trial is rule, joint trial exception — Section 219 permits joinder only where offences of same kind committed within twelve months, punishable under same provision, maximum three offences — Even where statutory conditions satisfied, joint trial discretionary not compulsory — Decision lies with trial court — High Court's direction for joint trial at bail stage pre-empted trial court's discretion, exceeded bail jurisdiction. (S.C.) 2025-3 PLR 232

Section 313 — Statement of Accused — Non-compliance — Statements of all accused being carbon copies with only general questions and omnibus denials — Not putting every material circumstance — Abject failure in complying with basic tenets of law — Prosecutor also failed in duty to assist Court — Matter remanded to recommence from Section 313 stage. (S.C.) 2025-3 PLR 196

Section 319 — Power to Summon Additional Accused — Object and Scope — Enabling provision empowering court to proceed against person not already arraigned if from evidence such person appears to have committed offence — Object to ensure no guilty person escapes process of law — Power extraordinary and discretionary, to be exercised sparingly with due circumspection. (S.C.) 2025-3 PLR 144

Section 319 — Degree of Satisfaction — Satisfaction required higher than at framing of charge yet short of that necessary for conviction — Must rest on cogent and credible material, not conjectures — Test requires much stronger evidence than mere probability of complicity. (S.C.) 2025-3 PLR 144

Section 319 — Evidence Required — Power exercised only on basis of evidence adduced before court, not materials in chargesheet or case diary — Even examination-in-chief

untested by cross-examination is itself evidence sufficient if court satisfied of prima facie necessity to bring person to trial. (S.C.) 2025-3 PLR 144

Section 319 — No Mini-Trial at Summoning Stage — Court not required to test credibility or weigh probative value of evidence at summoning stage — Drawing adverse inference from cross-examination amounts to impermissible mini-trial — Expression is “could be tried” not “should be tried”. (S.C.) 2025-3 PLR 144, 273

Section 319 — Power Not Controlled by FIR — Power not controlled by naming or not naming in FIR — Not dependent on chargesheet — Person not named in FIR, not chargesheeted or even discharged can be summoned if evidence shows involvement — *Hardeep Singh v. State of Punjab*, (2014) 3 SCC 92, relied. (S.C.) 2025-3 PLR 144, 273

Section 319 — Inconsistencies — Effect — At summoning stage, inconsistencies and evidentiary value are matters for trial, not summoning stage — Mere omission of names in first statement does not undermine relevance of statements under Section 32(1) Evidence Act. (S.C.) 2025-3 PLR 144

Sections 437, 438 — Bail Conditions — Principles — Bharatiya Nagarik Suraksha Sanhita, 2023, Sections 480, 482 — Conditions must not be harsh, onerous, freakish, arbitrary or excessive so as to frustrate object of bail — Must be interpreted in accordance with proportionality and reasonableness — What given by one hand should not be withdrawn by other. 2025-3 PLR 344

Sections 437, 438 — Bail Conditions — Judicial Discretion — Exhaustive guidelines neither feasible nor desirable — Exercise predicated upon peculiar factual matrix of each case — Court to achieve equipoise between societal interest in prosecution and accused’s fundamental right to personal liberty. 2025-3 PLR 344

Sections 437, 438, 439 — Bail Conditions — Deposit of Passport — Bharatiya Nagarik Suraksha Sanhita, 2023, Sections 480, 482, 483 — Criminal Court vested with inherent and statutory discretionary power to impose condition requiring deposit of passport as protective measure — Not to be exercised in rote manner — Justifiable only on basis of objective factors indicating clear flight risk or obstruction of justice — Not to be employed as punitive measure against under-trial accused presumed innocent. 2025-3 PLR 344

Section 482 — Quashing of Criminal Proceedings — Principles in *State of Haryana v. Bhajan Lal* — Where allegations of cruelty and harassment made with mala fide intent with vague and general allegations — Sub-paragraphs (1) and (7) of paragraph 102 of *Bhajan Lal* squarely applicable — Proceedings quashed. (S.C.) 2025-3 PLR 234