



ITEM NO.4

COURT NO.5

SECTION II-B

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No(s). 8523/2024

(Arising out of impugned judgment and order dated 30-04-2024 in CRM-M No. 11297/2024 passed by the High Court of Punjab & Haryana at Chandigarh)

BALWINDER SINGH

Petitioner(s)

VERSUS

STATE OF PUNJAB & ANR.

Respondent(s)

(IA No. 138864/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT  
IA No. 138866/2024 - EXEMPTION FROM FILING O.T.)

Date : 09-09-2024 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE HRISHIKESH ROY  
HON'BLE MR. JUSTICE R. MAHADEVAN

For Petitioner(s) Mr. Karan Dewan, Adv.  
Miss Aanchal Jain, AOR

For Respondent(s) Mr. Siddhant Sharma, AOR  
Mr. Praful Bhardwaj, Adv.  
Ms. Sheetal Dubey, Adv.

Mr. Arvinder Singh, Adv.  
Mr. Vibhuti Sushant Gupta, Adv.  
Mr. Narender Kumar Verma, AOR

UPON hearing the counsel the Court made the following

O R D E R

1. Heard Mr. Karan Dewan, learned counsel appearing for the petitioner. The State of Punjab is represented by Mr. Siddhant Sharma, learned counsel. The respondent No. 2 (informant) is represented by Mr. Arvinder Singh, learned counsel.

2. Notice in this case was issued on 15.07.2024 with the following order:

“xx xx xx

The counsel submits that 6 of the accused have been granted bail in the present matter. Moreover, only 7 out of the cited 47 witnesses have been examined so far in the Trial. The counsel then points out that the petitioner has been in custody for nearly 4 years since he was arrested on 26.06.2020. Also although the direction to conclude the trial in the five months was given by the High Court on 30.04.2024, that is unlikely, looking at the pace of the Trial.

xx xx xx”

3. Since then, counter affidavits are filed by both the State and the respondent No. 2. The State counsel submits that there is no material change of circumstances when bail was refused to the petitioner in 2023.

4. Mr. Arvinder Singh, learned counsel for the respondent No. 2 in his turn would point out that it was a serious crime and the petitioner had a direct role in shooting of the victim. Since the trial is at a crucial stage, bail is opposed by the respondents counsel.

5. In this case, 21 prosecution witnesses have already testified and it is submitted by the State’s counsel Mr. Siddhant Sharma that 17 more witnesses are proposed to be examined after dropping 9 of the earlier cited witnesses.

6. The High Court while rejecting bail had asked for conclusion of trial within 5 months. The 5 months period stipulated by the

High Court will expire at the end of this month but as noticed earlier, the prosecution proposes to examine 17 more witnesses.

7. An accused has a right to a fair trial and while a hurried trial is frowned upon as it may not give sufficient time to prepare for the defence, an inordinate delay in conclusion of the trial would infringe the right of an accused guaranteed under Article 21 of the Constitution.

8. It is not for nothing the Author Oscar Wilde in "The Ballad of Reading Gaol", wrote the following poignant lines while being incarcerated:

"I know not whether Laws be right,  
Or whether Laws be wrong;  
All that we know who be in jail  
Is that the wall is strong;  
And that each day is like a year,  
A year whose days are long."

9. The incident in the present case occurred on 25.06.2020 and the petitioner was arrested soon thereafter on 26.06.2020. By now, 6 co-accused have been granted bail. As the prosecution wishes to examine 17 more witnesses, the trial is unlikely to conclude on a near date.

10. Considering the above and to avoid the situation of the trial process itself being the punishment particularly when there is presumption of innocence under the Indian jurisprudence, we deem it appropriate to grant bail to the petitioner - *Balwinder Singh*. It is ordered accordingly. Appropriate bail conditions be imposed by the learned trial court.

11. However, it is made clear that the petitioner must appear on all dates before the trial court and should cooperate in expeditious conclusion of the trial. He should not interact and also maintain distance from the witnesses. Any infringement of bail conditions will result in cancellation of this bail order.

12. With the above, the Special Leave Petition stands disposed of.

13. Pending application(s), if any, shall stand closed.

(NITIN TALREJA)  
ASTT. REGISTRAR-cum-PS

(KAMLESH RAWAT)  
ASSISTANT REGISTRAR