

Court No. - 5

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14969 of 2025

Applicant :- Pankaj

Opposite Party :- State of U.P.

Counsel for Applicant :- Vikash Chandra Tiwari

Counsel for Opposite Party :- G.A.

Hon'ble Ajay Bhanot,J.

Matter is taken up in the revised call.

This is the second bail application. The applicant is in jail since 19.10.2023.

Shri Vikash Chandra Tiwari, learned counsel for the applicant contends that the directions issued by this Court on 26.09.2024 in Criminal Misc. Bail Application No.7581 of 2024 have not been complied with by the learned trial court. The trial is moving at a snail's pace and shows no sign of early conclusion. The applicant is not responsible for the delay in the trial proceedings. The prosecution is deliberately delaying the conduct of the trial to prolong the incarceration of the applicant. Inordinate delay in concluding trial will to an indefinite detention of the applicant. The right of the applicant to speedy trial has been violated. Status report sent by the trial court discloses that the prosecution proposes to examine 25 witnesses. Only three witnesses have been examined till date. However, learned counsel submits that two more witnesses have been examined thereafter.

While deciding the first bail application registered as

Criminal Misc. Bail Application No.7581 of 2024 on 26.09.2024 this Court had alerted the learned trial court of the right of the accused to speedy trial. Various directions were also made upon the learned trial court to expedite the trial and to implement the mandate of Section 309 Cr.P.C./346 BNSS.

Prima facie, it appear that the directions of this Court have not been complied with and this is a rather distressing state of affairs. Disobedience of orders of this Court by the learned trial court strikes directly at the root of the rule of law.

Learned District Judge, Ghaziabad shall examine the matter and send a report regarding prima facie disobedience of the aforesaid directions of this Court by the learned trial court and the cause for the delay in concluding the trial.

In the meantime learned trial judge shall send a fresh report regarding the status of the trial and cause for the delay in concluding the trial in Case Crime No.0867 of 2023 under Sections 302, 452, 394, 411, 34 IPC and Section 4/25 of the Arms Act, Police Station-Loni, District-Ghaziabad and also the following details in tabulated form:-

(1) Dates on which chargesheet was filed and the charge was framed.

- (2) Number of prosecution witnesses in the chargesheet.
- (3) Number and particulars (i.e. name, nature of witness like eye witness and expert witness etc.) of prosecution witnesses proposed to be examined as per the charge sheet.
- (4) List of proposed prosecution witnesses/calendar submitted before the trial court for examination during the trial.
- (5) Names and number of prosecution witnesses who have been examined before the trial court with dates.
- (6) Names and number of witnesses who have been summoned but have not attended the trial proceedings on the appointed dates with dates.
- (7) Names and number of witnesses against whom coercive measures have been taken out with dates.

List on 16.09.2025.

Needless to add, none of the above observations shall be construed adversely against any judicial officer unless the District Judge comes to another conclusion.

A copy of this order be communicated to the learned trial judge through the learned District Judge, Ghaziabad by the Registrar (Compliance) by e-mail.

Order Date :- 30.5.2025
Ashish Tripathi