

ITEM NO.1

COURT NO.7

SECTION II-C

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 for Special Leave to Appeal (Crl.) No.1398/2026

[Arising out of impugned final judgment and order dated 30-06-2025 in BA No. 291/2024 passed by the High Court of Jammu & Kashmir and Ladakh at Jammu]

ANOOP SINGH

Petitioner(s)

VERSUS

U.T. OF J AND K

Respondent(s)

Date : 10-03-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE K.V. VISWANATHAN

For Petitioner(s) :

Mr. Ranjeet Kumar, Adv.
Mr. Simanta Kumar, Adv.
Mr. Anant Kumar, Adv.
Dr. Pratap Singh Nerwal, AOR

For Respondent(s) :

Ms. Aishwarya Bhati, ASG
Mr. Parth Awasthi, Adv.
Mr. Pashupati Nath Razdan, AOR

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

1. Our last Order dated 3-2-2026 reads thus:-

1. The petitioner has been denied regular bail by the High Court of Jammu and Kashmir and Ladakh in connection with the First Information Report No.0192/2018 dated 18-10-2018 registered with Bari Brahmana Police Station, District Samba, Union Territory of Jammu and Kashmir for the offence punishable under Section 302 of the Ranbir Penal Code (now IPC).

2. The incident in question is dated 4-10-2018. The petitioner was arrested in connection with the alleged crime and at the end of the investigation, charge-sheet came to be filed for the offence of murder. The filing of charge-sheet and the order of committal culminated in Sessions Case CNR No.JKSB010005422023 pending as on date in the Court of Additional District and Sessions Judge, Samba.

In the said Charge-Sheet, the Investigating Officer cited two persons as the eye-witnesses to the incident. The two eye-witnesses are PW 2 and PW 3 respectively. On 23-2-2019, charge came to be framed by the Trial Court. Prosecution was directed to produce witnesses on 7-3-2019. On that particular date, only one witness came to be examined i.e. PW 13. The Trial Court after recording the oral evidence of PW 13, directed PW 12 and PW 1 respectively to be summoned for the recording of their evidence. On 23-3-2019, the oral evidence of the PW 2 came to be recorded. PW 4 the widow of the deceased also appeared for her oral examination. However, she filed a petition with the Trial Court praying for further investigation in the matter. The Trial Court declined to entertain such application filed by the widow of the deceased. After a passage of time, the widow of the deceased moved the High Court. The High Court directed de-novo investigation. Upon completion of the de-novo investigation, a supplementary charge-sheet came to be filed.

3. Later, the trial got stalled because of Covid Pandemic.

4. However, unfortunately the fact remains that after 2022, there has not been any further progress in the trial. The petitioner before us is in jail as an under-trial prisoner past 7 years.

5. In such circumstances, referred to above, we passed an Order dated 29-1-2026. The Order reads thus:-

"1. In pursuance of our Order dated 22-1-2026, the Trial Court has forwarded its Report explaining why the trial is still pending past 8 years.

2. The Report highlights many grounds due to which trial has got delayed.

3. We want the learned counsel appearing for the Union Territory of Jammu and Kashmir to study the report and respond to the same.

4. Registry shall provide one copy of the Report forwarded by the Trial Court to the learned counsel appearing for the respondent as well as to the learned counsel appearing for the petitioner.

5. List on 3-2-2026 on top of the Board.

6. In pursuance of our order, referred to above, the Trial Court has forwarded its Report explaining the status of the trial and why the trial has not attained finality till this date.

7. We looked into the Report of the Trial Court threadbare.

8. The Report is extremely disturbing. The Report highlights the sorry state of affairs at the end of the prosecuting agency. We are at pains to note that in last 7 years, the prosecution has been able to examine only 7 witnesses. Prosecution still intends

to examine 17 more witnesses. We wonder who are these 17 witnesses who are yet to be examined and if not examined, what would be the adverse effect on the case of the prosecution. However, the most unfortunate part of the Report of the Trial Court is that past 82 hearings, not a single witness has been examined.

9. We propose to take a very strict view of this matter. The U.T., as the investigating agency, owes an explanation for this gross and inordinate delay in conclusion of the trial.

10. In such circumstances, referred to above, we direct the Home Secretary, Union Territory of Jammu and Kashmir to file its response within a period of four weeks from today.

11. Registry shall provide one copy of the Report forwarded by the Trial Court to the learned counsel appearing for the Union Territory of Jammu and Kashmir.

12. The learned counsel appearing for the UT of Jammu and Kashmir shall, in turn, forward one copy of the Report of the Trial Court to the Home Secretary at the earliest.

13. In the meantime, we direct that the petitioner be released on interim bail, subject to terms and conditions that the Trial Court may deem fit to impose.

14. We request the Home Secretary, UT of Jammu and Kashmir to appear online on the next date of hearing.

15. At this stage, the learned counsel appearing for the petitioner brought something very shocking to our notice. He submitted that this is not a solitary case of an under-trial prisoner who is languishing in jail past 7 years. There are hundreds of such under-trial prisoners in the UT of Jammu and Kashmir languishing in jail past more than 10 years and their trials are pending.

16. If what has been said by the learned counsel, referred to above, is true then this is something beyond our comprehension. This is something extraordinary and calls for immediate action.

17. We want the Home Secretary to place on record the details of all criminal trials pending in the U.T. wherein the accused persons are in custody past more than 5 years or more as an under-trial prisoner.

18. Post it on 10-3-2026."

2. In pursuance of our Order, referred to above, the Principal Secretary, Home Department, Union Territory of Jammu and Kashmir has joined online.

3. We also looked into the affidavit filed by Shri Chandrakar Bharti, Principal Secretary, Home Department, UT of J&K.

4. It appears from the information furnished in the Affidavit, more particularly, the status of the under-trial that there are in all 351 Sessions Trials pending in the UT of Jammu and Kashmir. There are in all 585 accused persons who have been put to trial. However, the shocking fact with these trials i.e. 351 in numbers is that they are pending past more than five years.

5. One another disturbing feature highlighted in the chart is that out of 351 cases 235 cases are pending at the stage of recording of the oral evidence of the witnesses.

6. Annexure-R1 to the affidavit filed by the Principal Secretary, Home Department is a chart.

7. The chart reads thus:-

STATUS OF UNDER TRIAL

Stages of trial										Break up of 349 cases			
District	Total Case	Accused in Custody	Preliminary Arguments/ Pre-Charge evidence	Reserve for Judgement	Case at PW Stage	Case at 342 Cr.P.C	Case at Final Arguments	Defense Witness	UAPA	NDPS		Other	
										Case	Accused	Case	Accused
Jammu	71	118	-	01	50	02	18	-	07	31	08	11	56
Samba	15	27	-	-	10	-	05	-	-	-	-	-	15
Kathua	07	08	-	-	03	01	03	-	-	-	01	01	06
Udhampur	28	56	-	-	16	04	06	02	-	-	06	14	22
Reasi	14	25	-	-	10	01	02	01	-	-	-	-	14
Poonch	16	35	-	-	11	-	05	-	04	07	01	03	12
Rajouri	15	22	-	-	08	-	04	03	-	-	-	-	15
Doda	34	38	01	-	27	-	06	-	08	15	-	-	26
Rishtwar	02	02	-	-	01	-	01	-	-	-	-	-	02
Ramban	05	08	-	-	01	-	03	01	-	-	-	-	05
Anantnag	16	22	-	-	12	-	04	-	07	12	02	02	07
Kulgam	07	12	-	01	03	01	02	-	02	07	02	02	03
Shopian	03	05	-	-	01	-	02	-	-	-	-	-	03
Pulwama	13	14	-	-	13	-	-	-	11	12	-	-	02
Budgam	04	06	-	-	04	-	-	-	01	01	-	-	03
Ganderbal	03	03	-	-	01	-	02	-	01	01	-	-	02
Bandipora	13	23	-	-	08	-	05	-	06	14	-	-	07
Baramulla	47	93	-	-	31	05	11	-	21	59	02	02	24
Kupwara	15	28	01	02	09	-	03	-	12	25	-	-	03
Srinagar	23	40	-	02	16	-	02	01	07	15	01	01	14
Total	351	585	02	06	235	14	84	08	87	199	23	36	241

Note:- The trial of 02 cases have been suspended due to accused found not fit. (In District Srinagar).

8. We heard the learned counsel appearing for the petitioner, Ms. Aishwarya Bhati, the learned Additional Solicitor General assisted by Mr. Parth Awasthi, the learned counsel appearing for the Union Territory of Jammu and Kashmir and we also heard Shri Chandrakar Bharti, the Principal Secretary, Home Department, UT of Jammu and

Kashmir online.

9. There could be many reasons for the delay in all these cases. However, we should not ignore or overlook the fact that the accused has a right to have speedy trial as enshrined under Article 21 of the Constitution. Equally, justice is also to be done to the victims and their families. Once the charge is framed by the Trial Court, it is expected of that particular Trial Court to start with the recording of the oral evidence and conclude the trial in accordance with law at the earliest.

10. *Prima facie*, it appears that these cases are delayed as the prosecuting agency is unable to produce the prosecution witnesses before the Trial Court for their examination.

11. According to us, the aforesaid could hardly be a ground for delay in the conclusion of the trial.

12. Since we have a particular figure now before us i.e. 235 cases pending at the stage of recording of the oral evidence of the witnesses, we request Ms. Bhati, the learned ASG to furnish the following information by the next date of hearing. With respect to each of the Sessions case, we would like to know (i) the date of framing of the charge by the Trial Court (ii) how many witnesses have been cited in the charge-sheet, how many are proposed to be examined and how many have been actually examined by the Trial Court till this date (iii) the date of the examination of the first prosecution witness and the date of examination of the last prosecution witness and the next date fixed by the Trial Court for the recording of the evidence (iv) summary of reasons/remarks for the delay in the examination of the witnesses and in the last proposed/estimated time of disposal/conclusion of the Sessions case.

13. We also want an affidavit or a chart attached to the affidavit furnishing the information as regards the actual period of incarceration of each of the accused persons in those pending 351 cases. We would also like to know the offences with which these accused persons have been charged with.

14. We have taken up this issue very seriously and the whole idea in initiating this exercise is to ensure that the under-trial prisoners do not languish in jail for indefinite period of time and the victims also get speedy justice.

15. Many times, we have observed that justice is not only to be done with the accused persons, justice is also to be done with the victims and kith and kin of the victims.

16. We also impressed upon Shri Chandrakar Bharti, the Principal Secretary, Home Department, UT of Jammu and Kashmir to look into this matter very seriously.

17. We expect the Union Territory to have some plan, or to put in other words work out some modalities by which this problem of delay in the conclusion of trial is being taken care of. Mr. Bharti has assured us that he will take up this matter, more particularly, the larger issue involved very seriously and would have meetings at the earliest with the agencies concerned. We must be shown some plan duly prepared by the U.T. in this regard.

18. For the present, we are not saying anything further. Once the information sought for by us is placed before us, we shall proceed to hear the matter further.

19. Post this matter for further hearing on 21-4-2026 on top of the Board.

20. Mr. Bharti, Principal Secretary shall join online.

(VISHAL ANAND)
ASTT. REGISTRAR-cum-PS

(POOJA SHARMA)
COURT MASTER (NSH)