

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.1577 OF 2003
(From the judgment and order dated 28.11.2002 in BA No. 953/02 of the Addl.
Judge, Designated Court at Ludhiana.)

DALJIT SINGH @ BITTOO

Petitioner(s)

VERSUS

C.B.I.

Respondent(s)

(With appln(s) for bail, and office report)

Date: 31/01/2005 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ASHOK BHAN
HON'BLE DR. JUSTICE AR. LAKSHMANAN

For Petitioner(s)

Mr. Sushil Kumar, Sr. Adv.
Mr. Sanjay Jain, Adv.

For Respondent(s) Mr. Rajiv Dutta, Sr. Adv.

Mr. Shailendra Sharma, Adv.
Mr. P. Parmeswaran, Adv.

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

Leave granted.

Appeal is allowed in terms of the signed order.

(J.S. Rawat)
Court Master

(Kanwal Singh)
Court Master

(Signed order is placed on the file)
IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. OF 2005
(Arising out of SLP(Crl.) No. 1577 of 2003)

Daljit Singh @ Bittoo

Appellant (s)

Versus

C.B.I.

Respondent (s)

O R D E R

Leave granted.

Heard counsel for the accused-appellant as well as the counsel appearing for the CBI-respondent.

The appellant is facing trial, inter alia, under Sections 395/342 IPC, Sections 25/27/55/59 of the Arms Act and Sections 3/4/6 of the TADA(P) Act, 1985. His application for bail having been rejected by the Designated Court on 28.11.2002, the appellant filed the present appeal by way of special leave on the 1st of March, 2003 impugning the rejection of his bail application.

It is stated that the accused-appellant was arrested on 24.8.1996. He has already undergone eight and a half years' actual imprisonment. In this view of the matter, when the case came up for hearing on 15th September, 2003, this Court had directed the Designated Court, C.B.I., Ludhiana to expedite and conclude the trial within a period of seven months. The appellant was granted liberty to approach the Designated Court for bail, if the trial is not over during the said period, and the Designated Court would pass appropriate order after considering the relevant facts. The case was ordered to stand over to March, 2004.

The Designated Court addressed a communication to this Court vide its letter dated 29th March, 2004 seeking more time to conclude the trial. According to the Designated Judge, the record of the case was voluminous and at times a single witness is examined for a number of days. This Court on 2.8.2004 granted six months' further time to conclude the trial.

The Designated Court has addressed yet another communication dated 25th of October, 2004 seeking more time for the same reasons. It has been mentioned in the letter that the CBI (Prosecution) was very slack in prosecuting the case and failed to produce the witnesses for one reason or the other.

For the foregoing reasons, while maintaining the earlier direction given to the Trial Court to conclude the hearing at an early date, we extend the time by another six months to conclude the hearing. In view of the fact that the appellant has already undergone more than eight and a half years actual imprisonment, we are inclined to grant bail to the appellant, on such terms and conditions which may be imposed by the Designated Court.

The appellant shall surrender his passport and shall not leave the local jurisdiction of Ludhiana without prior permission of the trial Court.

The appellant is directed to cooperate with the prosecution and remain present on the date(s) of hearing fixed by the trial Court.

The appellant shall not tamper with the evidence and shall not influence witnesses in any manner, whatsoever.

Needless to mention, nothing stated herein above shall be taken as an expression of opinion on the merits of the case.

The appeal is allowed accordingly.

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J.

(ASHOK BHAN)

New Delhi;

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J.

January 31, 2005.

(Dr. AR. LAKSHMANAN)