

ITEM NO.5

COURT NO.8

SECTION II

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

**SPECIAL LEAVE PETITION (CRIMINAL) Diary No(s). 5143/2026**

[Arising out of impugned final judgment and order dated 06-12-2023 in CRLMB No.48505/2023 passed by the High Court of Judicature at Allahabad]

**ABDUL KHADHAR****Petitioner****VERSUS****THE STATE OF U.P****Respondent****I.A. No.37883/2026-CONDONATION OF DELAY IN FILING****I.A. No.37885/2026-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT****I.A. No.37886/2026-EXEMPTION FROM FILING O.T.****I.A. No.37888/2026-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ ANNEXURES****Date : 23-02-2026 This matter was called on for hearing today.****CORAM : HON'BLE MR. JUSTICE DIPANKAR DATTA  
HON'BLE MR. JUSTICE SATISH CHANDRA SHARMA**

**For Petitioner(s) :Mr. Mohd. Fuzail Khan, Adv.  
Ms. Shisba Chawla, AOR  
Mr. Anisul Haque, Adv.  
Mr. Jahangir Ahmed, Adv.**

**For Respondent(s) :**

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

1. Delay condoned.
2. Having been arrested on 8<sup>th</sup> July, 2023 in connection with investigation of FIR No.256 of 2023 dated 4<sup>th</sup> July, 2023 registered at Police Station-Noida, District-Gautam Buddha Nagar, Section-58 under Section(s) 420, 467, 468, 471, 120-B, 409 of Indian Penal Code, 1860, the petitioner had applied for bail<sup>1</sup>

<sup>1</sup> Criminal Misc. Bail Application No.48505 of 2023

before the High Court of Judicature at Allahabad<sup>2</sup>.

3. Grievance made in this special leave petition is to the effect that despite the application for bail having been listed on 75 occasions, the same has remained pending on the file of the High Court without any effective progress of hearing.

4. Considering the submission made by learned counsel appearing on behalf of the petitioner on 9<sup>th</sup> February, 2026 that hearing has not progressed without any fault being attributable to him, we had called for a report from the Registrar General of the High Court as to whether such claim is correct or not.

5. A report from the Registrar General of the High Court dated 13<sup>th</sup> February, 2026 has been placed on record.

6. The claim of the petitioner appears to be correct. It is revealed from the report that on 5<sup>th</sup> August 2024, 8<sup>th</sup> August 2024 and 6<sup>th</sup> September 2024, hearing was adjourned at the joint request of counsel for the parties; however, on most of the other dates, the short order passed on the bail application is "PO". According to learned counsel for the petitioner, "PO" does not mean "Pass Over" but a brief hearing.

7. Be that as it may, ever since the bail application was filed and taken up for consideration the first time on 9<sup>th</sup> November, 2023 and till the last date of its listing on 9<sup>th</sup> February, 2026 prior to filing of the report on 13<sup>th</sup> February, 2026, it is rather surprising that the bail application (despite being listed on 75 occasions) could not be finally decided.

8. That a bail application of a litigant, who is figuring as an accused in a magistrate triable case and languishing in custody for more than 30 months, is

<sup>2</sup> High Court

still undecided for so long does not speak too well of the system of justice delivery.

9. Rightly so, the petitioner's grievance needs to be redressed but not by granting him interim bail at this stage. We do not know how many other accused have faced the same fate.

10. We find that a coordinate Bench of this Court by its order dated 12<sup>th</sup> September, 2025 in **Anna Waman Bhalerao v. State of Maharashtra**<sup>3</sup> has issued the following directions:

*"18. xxx xxx xxx xxx*

*a) High Courts shall ensure that applications for bail and anticipatory bail pending before them or before the subordinate courts under their jurisdiction are disposed of expeditiously, preferably within a period of two months from the date of filing, except in cases where delay is attributable to the parties themselves.*

*b) High Courts shall issue necessary administrative directions to subordinate courts to prioritise matters involving personal liberty and to avoid indefinite adjournments.*

*c) Investigating agencies are expected to conclude investigations in long-pending cases with promptitude so that neither the complainant nor the accused suffers prejudice on account of undue delay.*

*d) Being the highest constitutional fora in the States, High Courts must devise suitable mechanisms and procedures to avoid accumulation of pending bail / anticipatory bail applications and ensure that the liberty of citizens is not left in abeyance. In particular, bail and anticipatory bail applications shall not be kept pending for long durations without passing orders either way, as such pendency directly impinges upon the fundamental right to liberty.*

*18.1. The Registrar (Judicial) of this Court shall circulate a copy of this judgment to all High Courts for immediate compliance and prompt administrative action."*

11. In view of the aforesaid directions given by the coordinate Bench, we do not propose to multiply directions of similar nature.

12. Suffice it to record, the delay in disposal of the bail application of the petitioner ought to be brought to the notice of the Chief Justice of the High Court. In the exceptional circumstances of this case, we request the Chief Justice to assign the bail application to an appropriate Bench for its early disposal by the end of 15<sup>th</sup> March, 2026.

13. The special leave petition is disposed of on the above terms.

14. All points on merits are kept open.

15. Pending interlocutory application(s), if any, shall also stand disposed of.

**(JATINDER KAUR)**  
**P.S. to REGISTRAR**

**(SUDHIR KUMAR SHARMA)**  
**COURT MASTER (NSH)**