



ITEM NO.33

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)

[TO BE TAKEN UP AT THE TOP OF THE BOARD]

Date : 03-02-2026 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.
Mr. Ramjee Pandey, Adv.
Mr. Mithlesh Kumar, Adv.
Dr. Pratap Singh Nerwal, AOR

For Respondent(s) :

Mr. Parth Awasthi, Adv.
Ms. Deepika Gupta, Adv.

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

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.

(VISHAL ANAND)
ASTT. REGISTRAR-cum-PS

(POOJA SHARMA)
COURT MASTER (NSH)