



ITEM NO.4

COURT NO.5

SECTION II-B

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) No(s). 8523/2024

(Arising out of impugned judgment and order dated 30-04-2024 in CRM-M No. 11297/2024 passed by the High Court of Punjab & Haryana at Chandigarh)

BALWINDER SINGH

Petitioner(s)

VERSUS

STATE OF PUNJAB & ANR.

Respondent(s)

(IA No. 138864/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT
IA No. 138866/2024 - EXEMPTION FROM FILING O.T.)

Date : 09-09-2024 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE HRISHIKESH ROY
HON'BLE MR. JUSTICE R. MAHADEVAN

For Petitioner(s) Mr. Karan Dewan, Adv.
Miss Aanchal Jain, AOR

For Respondent(s) Mr. Siddhant Sharma, AOR
Mr. Praful Bhardwaj, Adv.
Ms. Sheetal Dubey, Adv.

Mr. Arvinder Singh, Adv.
Mr. Vibhuti Sushant Gupta, Adv.
Mr. Narender Kumar Verma, AOR

UPON hearing the counsel the Court made the following

O R D E R

1. Heard Mr. Karan Dewan, learned counsel appearing for the petitioner. The State of Punjab is represented by Mr. Siddhant Sharma, learned counsel. The respondent No. 2 (informant) is represented by Mr. Arvinder Singh, learned counsel.

High Court will expire at the end of this month but as noticed earlier, the prosecution proposes to examine 17 more witnesses.

7. An accused has a right to a fair trial and while a hurried trial is frowned upon as it may not give sufficient time to prepare for the defence, an inordinate delay in conclusion of the trial would infringe the right of an accused guaranteed under Article 21 of the Constitution.

8. It is not for nothing the Author Oscar Wilde in "The Ballad of Reading Gaol", wrote the following poignant lines while being incarcerated:

"I know not whether Laws be right,
Or whether Laws be wrong;
All that we know who be in jail
Is that the wall is strong;
And that each day is like a year,
A year whose days are long."

9. The incident in the present case occurred on 25.06.2020 and the petitioner was arrested soon thereafter on 26.06.2020. By now, 6 co-accused have been granted bail. As the prosecution wishes to examine 17 more witnesses, the trial is unlikely to conclude on a near date.

10. Considering the above and to avoid the situation of the trial process itself being the punishment particularly when there is presumption of innocence under the Indian jurisprudence, we deem it appropriate to grant bail to the petitioner - *Balwinder Singh*. It is ordered accordingly. Appropriate bail conditions be imposed by the learned trial court.

11. However, it is made clear that the petitioner must appear on all dates before the trial court and should cooperate in expeditious conclusion of the trial. He should not interact and also maintain distance from the witnesses. Any infringement of bail conditions will result in cancellation of this bail order.

12. With the above, the Special Leave Petition stands disposed of.

13. Pending application(s), if any, shall stand closed.

(NITIN TALREJA)
ASTT. REGISTRAR-cum-PS

(KAMLESH RAWAT)
ASSISTANT REGISTRAR