

ITEM NO.3

COURT NO.4

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

Petition(s) for Special Leave to Appeal (CrI.) No(s).7857/2022

(Arising out of impugned final judgment and order dated 26-07-2022 in CRMA No.13762/2021 passed by the High Court of Judicature at Allahabad, Lucknow Bench, Lucknow)

ASHISH MISHRA ALIAS MONU

Petitioner(s)

VERSUS

STATE OF U.P.

Respondent(s)

(COMPLIANCE REPORT RECEIVED

IA No. 167449/2022 - APPLICATION FOR PERMISSION

IA No. 122127/2022 - EXEMPTION FROM FILING O.T.

IA No. 164803/2022 - EXEMPTION FROM FILING O.T.

IA No. 152757/2022 - EXEMPTION FROM FILING O.T.

IA No. 127590/2022 - EXEMPTION FROM FILING O.T.

IA No. 122135/2022 - INTERVENTION/IMPLEADMENT

IA No. 187341/2023 - MODIFICATION OF COURT ORDER

IA No. 127589/2022 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES

IA No. 122134/2022 - PERMISSION TO FILE LENGTHY LIST OF DATES)

Date : 22-07-2024 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURYA KANT

HON'BLE MR. JUSTICE UJJAL BHUYAN

For Petitioner(s) Mr. Siddharth Dave, Sr. Adv.
Mr. Pankaj Sharma, Adv.
Mr. Abdhesh Chaudhary, Adv.
Ms. Ayushi Mittal, Adv.
Mr. Kshitij Mudgal, Adv.
Mr. Kartik Arora, Adv.
Ms. Anshul Rajora, Adv.
For Mr. Ashutosh Kumar Sharma, AOR

For Respondent(s) Mr. Prashant Bhushan, AOR
Mr. Rahul Gupta, Adv.
Ms. Alice Raj, Adv.

Ms. Garima Prashad, Sr. A.A.G.
Ms. Ruchira Goel, AOR
Mr. Sharanya Sinha, Adv.
Ms. Harshita Nigam, Adv.

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

1. The petitioner was granted interim regular bail vide an order dated 25.01.2023 subject to various conditions including that he shall not stay in the State of Uttar Pradesh or in NCT of Delhi during the period of interim bail. Other usual conditions were also imposed upon the petitioner. Subsequently, the condition of not staying in NCT of Delhi was relaxed vide an order dated 26.09.2023 taking into consideration the ailment of the petitioner's mother and the fact that he was also required to get his daughter operated in Delhi.

2. During the course of hearing, it is stated by Mr. Siddharth Dave, learned Senior Counsel for the petitioner that there is a change of circumstances since the petitioner's father is no longer an elected Member of Parliament or a Minister in the Union Government. There is no residential accommodation available to the petitioner or his family to stay in Delhi. He, accordingly, seeks further modification of the condition imposed in the order dated 25.01.2023.

3. We have heard Mr. Prashant Bhushan, learned counsel for the complainant/farmers with reference to the prayer made by the petitioner.

4. Taking into consideration all the attending circumstances, the interim bail granted to the petitioner vide order dated 25.01.2023 is made absolute subject to the following conditions:

(i) The petitioner is permitted to stay either in NCT of Delhi or in Lucknow city in the State of Uttar Pradesh.

(ii) The petitioner shall, however, abide by the terms and conditions imposed vide order dated 25.01.2023 and shall be entitled to go to the place where the trial is pending a day prior to the date fixed in the trial case.

5. Similarly, the interim bail granted to Guruwinder Singh, S/o Gurmej Singh; Kamaljeet Singh, S/o Iqbal Singh, Gurupreet Singh, S/o Kulwinder Singh and Vichitra Singh, S/o Lakhwinder Singh, in FIR No.220 of 2021 is also made absolute.

6. Adverting to the main case, we are informed by Ms.Garima Prashad, Sr.Additional Advocate General for the State of U.P. that out of 114 witnesses, 7 have been examined so far. In our considered view, the trial proceedings are required to be expedited. This can only be ensured provided that (i) the Trial Court fixes a schedule for conducting the trial; (ii) the witnesses to be examined on the fixed date are identified in advance; (iii) necessary directions are issued to the prosecution/State Authorities to ensure the presence of those witnesses; and (iv) counsel for the parties extend full cooperation to the trial in examining/cross-examining the witnesses.

7. We, accordingly, direct the learned Trial Court to fix a schedule, keeping in view the pendency of other important or time-bound matters in the said Court, however, prioritising the subject trial. The Public Prosecutor shall inform the Trial Court the number of witnesses (five witnesses or so for one day), who shall be produced on the date fixed. The State Authorities shall also ensure their presence before the Trial Court on the date fixed. Counsel for the petitioner or those representing other co-accused shall extend full cooperation to the Trial Court in this regard.

8. The Trial Court shall send a Status Report to this Court before the next date of hearing.

9. Post the matter for hearing on 30.09.2024.

(SATISH KUMAR YADAV)
ADDITIONAL REGISTRAR

(PREETHI T.C.)
ASSISTANT REGISTRAR