

\$~32

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL.M.C. 1568/2023**

MD. ANWAR @ KUTUB

..... Petitioner

Through: Mr. Aditya Aggarwal and Mr. Naveen
Panwar, Advocates.

versus

STATE (GOVT.OF NCT OF DELHI)

..... Respondent

Through: Mr. Amit Ahlawat, APP for the State
with Mr. Gagan Kumar, Advocate
and with SI Phool Singh, Special
Staff.

CORAM:

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

06.03.2023

%

CRL.M.A. 5965/2023

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

CRL.M.C. 1568/2023

3. The present petition has been filed under Section 482 Cr.P.C. by the petitioner seeking direction to ld. Trial Court to dispose of the bail application.
4. Limited relief claimed by learned counsel for the petitioner is that bail application of the petitioner is pending before ld. Trial Court since 21.11.2022 and time and again, it has been adjourned either for arguments or for passing orders. It is submitted by learned counsel for

the petitioner that arguments were concluded on 08.02.2023 and the matter was listed for clarification/order, but no clarification was even sought and the matter was again adjourned to 15.02.2023. He further submits that on 15.02.2023, the matter was again listed for clarification/orders, however, on the said date neither any order was passed nor any clarification was sought and the matter was again adjourned to 03.03.2023, on the said date, no order was pronounced and now the matter is coming up for hearing on 17.03.2023. He further submits that passing of order is being unnecessarily delayed. Learned counsel for the petitioner has placed his reliance on '**Hussain & Anr. vs. Union of India**, passed in SLP (Crl.) No. 4437/2016 by the Hon'ble Supreme Court.

5. The relevant portion of the aforementioned judgement reads as follows:-

"27. To sum up:

(i) The High Courts may issue directions to subordinate courts that —

(a) Bail applications be disposed of normally within one week;

(b) Magisterial trials, where accused are in custody, be normally concluded within six months and sessions trials where accused are in custody be normally concluded within two years;

(c) Efforts be made to dispose of all cases which are five years old by the end of the year;

(d) As a supplement to Section 436A, but consistent with the spirit thereof, if an undertrial has completed period of custody in excess of the sentence likely to be awarded if conviction is recorded such undertrial must be released on personal bond. Such an assessment must be made by the concerned trial courts from time to time;

(e) The above timelines may be the touchstone for assessment of judicial performance in annual confidential reports.

(emphasis added)

(ii) The High Courts are requested to ensure that bail applications filed before them are decided as far as possible within one month and criminal appeals where accused are in custody for more than five years are concluded at the earliest;

(iii) The High Courts may prepare, issue and monitor appropriate action plans for the subordinate Courts;

(iv) The High Courts may monitor steps for speedy investigation and trials on administrative and judicial side from time to time;

(v) The High Courts may take such stringent measures as may be found necessary in the light of judgment of this Court in Ex. Captain Harish Uppal (supra).”

6. In view of this, learned trial court is directed to decide the bail application of the petitioner either this way or the other on 17.03.2023.

7. With the aforesaid direction, the petition is disposed of.

8. A copy of this order be sent to learned trial court for compliance.

RAJNISH BHATNAGAR, J

MARCH 6, 2023

P