



ITEM NO.11

COURT NO.7

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 for Special Leave to Appeal (Crl.) No.7416/2026

[Arising out of impugned final judgment and order dated 28-01-2026 in CRLMBA No. 6317/2026 passed by the High Court of Judicature at Allahabad]

VAIBHAV SINGH

Petitioner(s)

VERSUS

STATE OF UTTAR PRADESH

Respondent(s)

(FOR ADMISSION)

(IA No. 125028/2026 - EXEMPTION FROM FILING O.T.)

Date : 29-04-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.B. PARDIWALA

HON'BLE MR. JUSTICE UJJAL BHUYAN

For Petitioner(s) :

Mr. Shwetank Sailakwal, AOR

Mr. Mayank Suryan, Adv.

Ms. Abhinanda Bhuyan,, Adv.

Mr. Alok Mishra, Adv.

For Respondent(s) :

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

1. Exemption Application is allowed.
2. A very shocking matter with a very disappointing impugned order has come up before us early in the morning today.
3. The petitioner has been denied regular bail by the High Court of Judicature at Allahabad in connection with Case Crime No.116 of 2017 registered with Police Station Cantt., District Gorakhpur, State of Uttar Pradent for the offence punishable under Sections

147, 148, 149, 120-B, and 302 of the Indian Penal Code, 1860 (for short "IPC") respectively.

4. Upon completion of the investigation, charge sheet came to be filed.

5. With the committal of the case to the Court of Sessions, the same culminated in Sessions Case No.331 of 2017 pending as on date in the Court of Special Judge, E.C. Act.

6. We take notice of the fact that the petitioner was arrested in connection with the alleged crime on 7th March, 2017.

7. It's been almost nine years that the petitioner is in judicial custody as an under-trial prisoner.

8. What is most disappointing is what has been observed by the High Court in Para 8.

9. Para 8 reads thus:

"The Supreme Court in case of X vs. State of Rajasthan & Anr., 2024 INSC 909 has held that once the trial has commenced, it should be allowed to reach to its final conclusion, which may either result in conviction or acquittal of the accused. The bail should not be normally granted to the accused after the charge has been framed. It should also not be granted by looking into the discrepancies here or there in the deposition."

10. It appears that the High Court has not been able to understand the true purport and ratio of the decision of this Court, referred to, in para 8. All that the High Court ought to have considered is the fact that the petitioner is languishing in jail as an under-trial prisoner past nine years. What more was required for the High Court to consider the plea of the petitioner for bail, keeping his right of speedy trial in mind as enshrined under Article 21 of the Constitution.

11. We believe we should not wait even for the State to appear. This is a gross case wherein the fundamental right of the petitioner to have a speedy trial as enshrined under Article 21 of the Constitution could be said to have been infringed.

12. In many of our Judgments and on many occasions, we have said in so many words that howsoever grave the crime may be, but if the accused is denied his right of speedy trial and is languishing in jail for years together and for no fault on his part, he cannot be kept in jail for indefinite period.

13. In view of the aforesaid, we order that the petitioner be released on bail forthwith, if not required in any other case, subject to terms and conditions that the trial court may deem fit to impose.

14. With the aforesaid, the Special Leave Petition stands disposed of.

15. Pending applications, if any, also stand disposed of.

(VISHAL ANAND)
DEPUTY REGISTRAR

(POOJA SHARMA)
COURT MASTER (NSH)