

Court No. - 50

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 18557 of 2025

Applicant :- Muneer

Opposite Party :- State Of U.P. And 3 Others

Counsel for Applicant :- Abhishek Srivastava, Ajay Nand Pandey

Counsel for Opposite Party :- Adnan Aamir, G.A.

Hon'ble Ajay Bhanot, J.

Matter is taken up in the revised call.

This is the second bail application. The first bail application was not dismissed on merits. The instant bail is hence being heard on its merits.

By means of the bail application the applicant has prayed to be enlarged on bail in Case Crime No. 305 of 2022 at Police Station-Charthawal, District-Muzaffarnagar under Sections 363, 366, 376, 384 of IPC and Section 5/6 of POCSO Act and Section 67A of IT Act. The applicant is in jail since 18.09.2022.

The bail application of the applicant was rejected by this Court on 25.07.2023.

The applicant has been identified as the principal offender who committed rape with the minor victim. He has also captured the videos of the incident. Considering the vulnerability of the victim releasing the applicant on bail at this stage will not be conducive to a fair trial. The

offence is grave. There is likelihood that the applicant committed the offence. Status report sent by learned trial court records that the defence is not examining the prosecution witness. The trial is on foot.

At this stage, no case for bail is made out.

Without going into the merits of the case, the bail application is dismissed.

Considering the gravity of the offence, interest of justice will be served by directing the learned trial court to expedite the trial.

Though no specific time frame to conclude the trial has been set out in the Cr.P.C., yet the legislative intent of Section 309 Cr.P.C. is explicit. The scheme of the provision clearly shows that the legislative intent is to conclude the trial in an expeditious time frame. In the facts of this case, the learned trial court shall make all endeavours to conclude the trial expeditiously. Preferably the trial court shall set for itself a reasonable time frame to conclude the trial say one year from the date of receipt of a certified copy of this order.

All witnesses and counsels are directed to cooperate with the trial proceedings.

The learned trial court shall issue summons by regular process as per Section 62 Cr.P.C. and also by registered post as provided under Section 69 Cr.P.C. to expedite the trial.

The learned trial court shall promptly take out all strict coercive measures against all the witnesses in accordance with law who fail to appear in the trial proceeding. Counsels or parties who delay or impede the proceedings should not only be discouraged from doing so but in appropriate cases exemplary costs should also be imposed on such parties/ counsel.

The police authorities shall ensure that warrants or any coercive measures as per law taken out by the learned trial court to ensure that the attendance of the witnesses are promptly executed.

The Senior Superintendent of Police, Muzaffarnagar shall file an affidavit before the trial court on the date fixed regarding status of execution of the warrants/service of summons taken out by the learned trial court.

The delay in the trials caused by the failure of the police authorities to serve summons or execute coercive measures to compel the appearance of witnesses at the trial despite a statutory mandate, is an issue of grave concern. The said issue had arisen for consideration before this Court in **Bhanwar Singh @ Karamvir Vs. State of U.P. (Criminal Misc. Bail Application No. 16871 of 2023) & Jitendra v. State of U.P. (Criminal Misc. Bail Application No.9126 of 2023)**. This Court in **Bhanwar Singh @ Karamvir (supra) & Jitendra (supra)** had issued certain directions to the police authorities regarding

their statutory duty to promptly serve summons and execute coercive processes to compel the appearance of witnesses.

The Director General of Police, Government of U.P. as well as Principal Secretary (Home), Government of U.P. had taken out relevant orders in compliance of judgements in **Bhanwar Singh @ Karamvir (supra) & Jitendra (supra)** and nominated the Senior Superintendent of Police of the concerned districts as the nodal officials for implementing the said judgments.

The counsels as well as the learned trial court are directed to comply with the directions issued by this Court in **Noor Alam Vs. State of U.P.** rendered in **Criminal Misc. Bail Application No. 53159 of 2021**. In case any strike happens during the course of the trial, the learned trial court is directed to ensure full compliance of the directions issued in **Noor Alam (supra)** to prevent delay in the trial.

In case the police authorities are failing to comply with the directions issued by this Court in **Bhanwar Singh @ Karamvir (supra) & Jitendra (supra)** and do not implement the said directions of the Director General of Police, Government of U.P. & the Home Secretary, Government of U.P. in regard to service of summons and execution of coercive measures to compel the appearance of witnesses, the learned trial court shall direct the

concerned Senior Superintendent of Police to file an affidavit in this regard.

The learned trial court shall be under an obligation to examine whether the judgements of this Court in **Bhanwar Singh @ Karamvir (supra) & Jitendra (supra)** as well as directions of Director General of Police, Government of U.P. & the Home Secretary, Government of U.P. issued in compliance thereof have been implemented or not and to take appropriate action as per law.

The learned trial court shall also take appropriate measures in law after receipt of such affidavit which may include summoning the concerned officials in person.

The trial judge shall submit a fortnightly report on the progress of trial and the steps taken to comply with this order to the learned District Judge.

A copy of this order be communicated to the learned trial judge through the learned District Judge, Muzaffarnagar as well as Senior Superintendent of Police, Muzaffarnagar by the Registrar (Compliance) by e-mail.

Order Date :- 20.8.2025

Dhananjai