

[2026 LiveLaw \(SC\) 302](#)

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
DIPANKAR DATTA; J., PRASANNA B. VARALE; J.

March 13, 2026

CRIMINAL APPEAL No.1341/2026 [Arising out of SLP (Crl.) No.18775/2025]

PARDEEP KUMAR @ BANU versus STATE OF PUNJAB

Criminal Law – Grant of Bail – Delay in Trial – Incarceration without trial amounts to punishment – The Supreme Court granted bail to the appellant who had been in custody since April 13, 2024, for offenses under Sections 386, 307, 506, 120-B, 482, and 411 of the IPC, and Sections 25(6) and 27 of the Arms Act - Supreme Court observed that despite the prosecution proposing to examine 23 witnesses, none had been examined after almost two years of incarceration - Noted that when a trial is unlikely to conclude in the near future and the accused has undergone significant pre-trial detention, further detention is unnecessary as incarceration without trial amounts to punishment. [Paras 5-11]

For Petitioner(s): Mr. Gaurav Goyal, Adv. Ms. Srijia Choudhury, AOR

For Respondent(s): Ms. Abha Sharma, AOR Mr. Anupam Maurya, Adv. Mr. Praneet Das, Adv.

ORDER

1. Leave granted.
2. The High Court of Punjab and Haryana at Chandigarh, by the impugned judgment and order dated 11th July, 2025, has rejected the appellant's prayer for bail.
3. Appellant, figuring as an accused in FIR No.17 dated 11th February, 2024 registered at Police Station Mahilpur, District Hoshiarpur, Punjab under Sections 386, 307, 506 and 120-B of the Indian Penal Code¹, 1860 and Sections 25(6) and 27 of the Arms Act, 1959 (Sections 482 and 411 of IPC added later on), was arrested on 13th April, 2024.
4. We have heard learned counsel for the parties.
5. Prosecution proposes to examine 23 witnesses to drive home the charges against the appellant, but none has been examined. Thus, the trial is likely to take some time to conclude.
6. Almost two years have passed since the appellant was arrested without trial having commenced and conclusion thereof nowhere being in sight. Incarceration without trial amounts to punishment.
7. Taking an overall view of the matter, we are of the considered opinion that further detention of the appellant pending trial is not necessary; and, since the appeal deserves acceptance, the appellant may be admitted to an order for grant of bail.
8. Accordingly, we set aside the impugned judgment and order.
9. Appellant shall be released on bail, subject to furnishing of bail bonds to the satisfaction of the trial court and subject to such other terms and conditions as may be imposed by it.

¹ IPC

- 10.** Needless to observe, the appellant shall not, directly or indirectly, by making inducement, threat or promise, dissuade any person acquainted with the facts of the case from disclosing such facts to the court.
- 11.** In the event there is any breach of the terms and conditions for grant of bail, the trial court shall be at liberty to cancel the bail of the appellant.
- 12.** It is also ordered that the appellant shall diligently attend proceedings of the trial, unless exempted. If he abstains from attending the proceedings without justifiable cause, that could also be seen as breach of the conditions for grant of bail and the trial court will be free to pass appropriate orders.
- 13.** We clarify that the observations made in this order and grant of bail will not be treated as findings on the merits of the case.
- 14.** The appeal is, accordingly, allowed on the aforesaid terms.
- 15.** Pending application(s), if any, shall stand disposed of.

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