

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 (Crl.) No(s).6100/2026

[Arising out of impugned final judgment and order dated 23-01-2026 in CRLA No.1475/2025 passed by the High Court of Karnataka at Bengaluru]

SHAHID KHAN

Petitioner(s)

VERSUS

THE STATE OF KARNATAKA

Respondent(s)

IA No. 104155/2026 - EXEMPTION FROM FILING O.T.

Date : 12-08-2026 This matter was called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE JOYMALYA BAGCHI
HON'BLE MRS. JUSTICE V. MOHANA

For Petitioner(s) :Dr. Aditya Sondhi, Sr. Adv.
Mr. Talha Abdul Rahman, AOR
Mr. Faizan Ahmed, Adv.
Mr. Anubhav Kumar, Adv.
Mr. Sudhanshu Tewari, Adv.
Ms. Vibha Swaminathan, Adv.

For Respondent(s) :Ms. Rooh-e-hina Dua, AOR
Ms. Shrutika Garg, Adv.
Ms. Dhvani Arora, Adv.

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

1. The instant petition has been filed challenging the order dated 23.01.2026 passed by the High Court of Karnataka, whereby regular bail has been declined to the petitioner. The petitioner is one of the accused in FIR No.328/2022 dated 21.09.2022 registered at Police Station Kadugondanahalli, Bengaluru, under Sections 153-A, 121A, 120B and 121 of the Indian Penal Code, 1860 (IPC),

inter alia, alleging a larger conspiracy by members of the Popular Front of India to radicalise the youth and engage in unlawful and violent activities. Upon completion of investigation, a chargesheet dated 14.03.2023 was filed, invoking Section 153A and 120B of IPC and Sections 17 and 18 of the Unlawful Activities (Prevention) Act, 1967 (UAPA). The petitioner was arrested on 22.09.2022 and has remained in custody since then.

2. On the previous date of hearing, it was pointed out that the prosecution proposes to examine more than 700 witnesses in the pending trial. It was in such circumstances that we directed the State to submit a prosecution plan, expressly specifying as to how many protected witnesses are required to be examined.

3. In deference thereto, an additional affidavit has been filed by the State of Karnataka, paragraph 6 whereof, being most relevant, reads as follows:

"6. Furthermore, it is submitted that there are a total of 707 witnesses, out of which 64 are protected witnesses. In order to ensure their safety and to avoid any delay in securing their presence at a later stage, the Respondent-State proposes to examine the said 64 protected witnesses first. The Respondent-State would ensure that the said 64 witnesses are examined within a time-frame of One year so as to facilitate the expeditious completion of the trial."

4. During the course of hearing, we have outrightly rejected the States proposal as contained in paragraph 6, especially when the petitioner, as also statedly some of his co-accused, have been incarcerated for almost four years. Faced with this, learned State counsel has fairly submitted that the prosecution is willing to abide by any directions that may be issued by this Court for an

expeditious trial.

5. We are informed that there are three protected witnesses to be examined *qua* the petitioner.

6. Learned counsel for the State has also pointed out that a Special Court under Section 22 of the National Investigation Agency Act, 2008 has been entrusted the trial in this case. In view of successive orders passed by this Court in *Suo Moto Writ Petition (Criminal) No. 1/2026*, we expect that such Special Court shall exclusively try cases under the UAPA. Further, we deem it necessary reiterate that all such exclusive Courts, including the Court where the instant trial is pending, are expected to be assigned only 12 to 15 trials, which are to be dealt with on a day-to-day basis. If such an arrangement has not been operationalised so far, we direct the Union of India, the State of Karnataka, and the High Court of Karnataka to take necessary steps for compliance of these directions.

7. Keeping in view the attending facts of this case, we direct the Judicial Officer presiding over the trial to firstly examine the three protected witnesses *qua* the petitioner, followed by other vital witnesses, to ensure that the material evidence *qua* the petitioner is recorded within a period of not more than three months. Upon doing so, the petitioner shall be at liberty to apply for his release on bail afresh, and such an application shall be considered as per its own merits, without being influenced by the observations made in the impugned order.

8. Ordered accordingly.

9. It goes without saying that the prosecution as well as the

defence will cooperate with the Special Court for expeditious conclusion of evidence in terms of directions issued hereinabove.

10. The Special Leave Petition is, accordingly, disposed of.

11. All pending applications, if any, also stand disposed of.

(ARJUN BISHT)
ASTT. REGISTRAR-cum-PS

(PREETHI DILEEP KUMAR)
DY. REGISTRAR