

**IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR**

WP(C) 202/2026

Kifayat Ullah Bukhari

...Petitioner(s)/Appellant(s).

Through: Mr. Asif Nabi, Advocate.

Vs.

Union Territory of J and K

...Respondent(s).

Through: Mr. Furqan Yaqoob, GA.

CORAM:

HON'BLE MR. JUSTICE MOHD YOUSUF WANI, JUDGE

ORDER

16.02.2026

1. Heard learned counsel for the petitioner and considered his submissions.
2. The grievance of the petitioner, as agitated through the medium of the instant petition having been filed under the provisions of Article 226 of the Constitution of India, is that he has been facing trial in a criminal case bearing FIR No. 82/2022 of Police Station, Pulwama, under Sections 16, 18, 20, 38 and 39 ULAP Act, 307 IPC and 7/25 Arms Act, in the Court of learned designated Court under NIA Act (Additional Session Judge, Pulwama), in which charge was framed on 17.02.2023 and till now out of 28 listed prosecution witnesses only 7 witnesses have been examined.
3. It is the case of the petitioner that the final report/challan in the said case against him was presented before the learned Designated Court on 09.11.2025 and despite elapse of more than three years, the Id. Trial Court has so far examined only 7 witnesses out of 28 listed prosecution witnesses. That his right to speedy trial guaranteed to him under the provisions of Article 21 of the Constitution stands denied to him. It is further averred by the petitioner in the writ petition that his long pending bail application before the Id. Trial Court is not being addressed to.

4. The petitioner has accordingly sought for issuance of writ/direction in the nature of mandamus for commanding the learned Trial Court (Additional Sessions Judge, Pulwama), to conclude the trial of the case within a period of two months with the further direction for disposal of the long pending bail application filed in the case.

5. It is submitted by Mr. Furqan Yaqoob, Ld. GA, that some bail applications arising out of the case in question are pending even in this Court owing to which fact, the learned Trial Court may not have been feeling in a position to address the pending bail application in his Court.

6. In the facts and circumstances of the case especially having regard to the nature of the relief sought in the petition, this Court is of the opinion that it may meet the ends of justice in case the instant petition is disposed of at this threshold stage by passing of such appropriate directions, the action under which is otherwise the statutory obligation of the learned Trial Court.

7. It is well settled that right to speedy trial is a fundamental right available to the accused as emanating from the Right to Life guaranteed under Article 21 of the Constitution. It is also mandated under the provisions of Section 346 BNSS corresponding to Section 309 of the repealed Code of Criminal Procedure, 1973, that in every enquiry or trial, the proceedings shall be continued from day to day until all the witnesses in attendance have been examined, unless the Court finds an adjournment of the same beyond the following day to be necessary for reasons to be recorded. The charge in the case is reported to have been framed as on 17.02.2023 and the prosecution evidence came to be called on the same day when the accused persons including the present petitioner pleaded not guilty to the charge and instead claimed to be tried. The prosecution despite elapse of more than three years from the date of framing of charge has been able to examine only 7 witnesses

out of 28 listed prosecution witnesses. The Trial Court appears to have been proceeding on the trial of the case with a sluggish pace.

8. Accordingly, the instant petition is disposed of at this threshold stage with the direction to the Id. Trial Court to conduct an effective, meaningful and expeditious trial in the case by not adjourning the hearings of the case beyond 15 days. The Ld. Trial Court is expected to fix a calendar for recording of the majority of left over prosecution witnesses. It is also directed that Ld. Trial Court shall address under law the pending bail application in an expeditious manner.

9. A copy of this order shall be forwarded to the Id. Trial Court for compliance.

10. Disposed of.

(MOHD YOUSUF WANI)
JUDGE

SRINAGAR
16.02.2026
Shahid Manzoor