

News

The Delhi High Court finds no fault with the police or the court and blames the defendants on bail for postponing the trial of the Delhi riots.



According to the court, those who were granted bail attempted to postpone the arguments on the charge by claiming that the investigation was still ongoing.

On Tuesday, the Delhi High Court attributed the trial's delay to the individuals on bail in the Delhi riots plot case, claiming that this was also affecting those who were still incarcerated [Tasleem Ahmed v State Govt of NCT of Delhi].

According to a Division Bench consisting of Justices **Subramonium** Prasad and Harish **Vaidynathan** Shankar, those who were released on bail attempted to

postpone the arguments on the charge by claiming that the inquiry was still ongoing, which had an effect on the accused who were still incarcerated.

Six of the 18 people the Delhi police have named as defendants in this case—Asif Iqbal Tanha, **Devangana Kalita**, Natasha Narwal, **Safoora Zargar**, **Faizan Khan**, and Ishrat Jahan—are currently free on bail.

According to the material on file, some of the accused are incarcerated while others have been granted bail. On the grounds that the investigation is still ongoing, those accused who were granted bail are attempting to postpone the arguments. The Court noted that those who are free on bail are delaying the arguments on charge at the expense of those who are incarcerated.

It went on to say that there was no agreement among the accused's counsel, despite the trial court's directive for them to determine how and in what order the arguments on charge would be presented.

The trial's length was not attributed by the Bench to the Delhi Police or the trial court.

"The accused themselves have been accountable for several trial delays, according to the facts and order sheets. The court stated that neither the respondent agency nor the trial court's actions was the cause of the excessive trial delay that the appellant had claimed.

While denying the bail request of Delhi riots suspect **Tasleem** Ahmed, one of the remaining suspects, the High Court issued the following observations.

In its comprehensive ruling on Ahmed's bail, the Court held that if the circumstances of the case require it, lengthy detention cannot be the only justification for granting bail.

The Court stated that, with the exception of cases involving a clear violation of basic rights or a breach of the constitution, it must consider the merits of the case while deciding whether to issue bail under Section 43D(5) of the UAPA.

"There is no question that a quick trial is a component of Article 21 of the Indian Constitution. Yet, it is unacceptable to request bail after the accused has systematically delayed the trial. If this is done, the statute that prohibits granting bail due to trial delay can be easily gotten around by postponing the trial on the one hand and requesting bail on the other," the Court maintained.

Tasleem Ahmed was represented by advocates Mehmood **Pracha**, **Jatin Bhatt**, **Sanawar**, **Kshitij Singh**, **Mohd Hasan**, **Heem Sahoo**, **Nujhat Naseem**, **Sikander**, and **Sadiya Sultan Chirag Verma**.

Advocates Dhruv Pande, Aarush Bhatia, **Ayodhya Prasad**, Ruchika Prasad, Umesh Kumar Singh, Sulabh Gupta, Harshil Jain, Saravjeet Singh, and Daksh Sachdeva were present for the Delhi Police, along with special public prosecutors Amit Prasad and Madhukar Pandey.

In the same case, Umar Khalid, Sharjeel Imam, **Mohd Saleem Khan**, **Shifa Ur Rehman**, Athar Khan, Meeran Haider, Shadab Ahmed, Abdul Khalid **Saifi**, and **Gulfisha** Fatima were also denied bail by a different High Court bench on Tuesday.