

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRL. MISC. No.M-209 OF 2015 (O&M)
DATE OF DECISION : 28th SEPTEMBER, 2017

Joginder Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE A. B. CHAUDHARI

* * * *

Present : Mr. J. S. Bedi, Senior Advocate with
Mr. Harpreet Multani, Advocate for the petitioner.

Mr. Dhruv Dayal, Sr. D.A.G. Punjab.

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A. B. CHAUDHARI, J. (ORAL)

Rule.

Heard forthwith with consent of counsel for the rival parties.

This Court had in the present petition made the following
order on 17.12.2016 relevant portion is reproduced below:

“Learned Senior Counsel for the petitioner seeks an
adjournment to enable the petitioner to move an
appropriate application before the trial Court for
fixing the dates in proceedings arising out of seven
FIRs of similar allegations of criminal misconduct.”

The grievance made by the petitioner was that in the same
special Court under Anti Corruption Act he was required to face seven
cases arising out of seven FIRs against him at Mansa. He resides at
Barnala which is at distance of 60 kilometers from Mansa. Pursuant to

the order made by this Court on 17.12.2017, the present petitioner applied to the trial Court with the following prayer:

“It is, therefore, prayed that the application may please be accepted and all the cases pending against the applicant may please be clubbed and tried together, in the interest of justice.”

Learned counsel for the petitioner however, submits that the petition is being pressed only for the relief of putting all the seven cases for two consecutive working days. The reason advanced by the learned senior counsel for the petitioner is that the petitioner is required to attend Court almost on all days in week when the dates are fixed in these seven cases.

Learned State counsel submits that convenience or inconvenience of the accused would not be relevant consideration for granting such relief and therefore opposes the petition. The trial Court has after hearing made the order on 01.02.2017 and rejected the prayer by holding that the facts of each trial are different from the other trial so also the witnesses and so on so forth.

In my opinion, since there is no doubt about the facts, witnesses and the nature of the trial being held in all the seven FIRs, are obviously different. But the said reason is not germane to not to accede to the request made by the accused-petitioner. It may be that the accused has no right as such to claim the relief for his convenience. But then in the absence of any adverse consequences or prejudice to the prosecution or inconvenience to the Court, the request cannot be said to be unreasonable. Else the petitioner will have to attend the Court on almost

all working days every week/month which would be onerous. There is no point in doing so. Instead if the petitioner is asked to appear on two consecutive dates in all the seven FIR cases, it would not make much difference. The submission that accused should not be granted the favour for his convenience, does not appeal to me.

In that view of the matter, following order is passed:

ORDER

- (i) Rule is made absolute.
- (ii) CRL. MISC. No.M-209 OF 2015 is allowed and the trial Court shall fix all the seven FIRs on two consecutive dates as per its convenience.
- (iii) Liberty is reserved in favour of the prosecution and the trial Court to approach this Court in case of any difficulty.

28th SEPTEMBER, 2017
'raj'

(A. B. CHAUDHARI)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>