

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

CRR No.1196 OF 2015 (O&M)
DATE OF DECISION : 24th MARCH, 2017

Rajpal

.... Petitioner

Versus

State of Haryana & others

.... Respondents

CRR No.422 OF 2015 (O&M)

Surinder @ Sunder and another

.... Petitioner

Versus

State of Haryana

.... Respondent

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

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Present : Mr. Rakesh Dhiman, Advocate and
 Mr. R. K. Upadhyay, Advocate for the petitioners
 in CRR Nos. 1196.

 Mr. Vikas Kumar Advocate for the petitioners
 in CRR No.422 of 2015 and
 for respondents No.2 & 3 in CRR No.1196 of 2015.

 Mr. G. S. Salwara, Deputy Advocate General, Haryana.

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A. B. CHAUDHARI, J. (ORAL)

 These are two petitions directed against common order dated
18.12.2014 passed by learned Additional Sessions Judge, Faridabad, by
which the trial Court decided to summon two accused under Section 319
Cr.P.C. and declined to summon two accused at the instance of the
complainant. The orders were passed in the year 2014 and both the

petitions have been pending since then in this Court without any order of stay of the trial.

Looking to the concept of speedy trial I think both the petitions will have to be dismissed since the trial continued and now as stated by learned counsel for the complainant it has almost reached the fag end.

Learned counsel for the petitioners submits that the order under Section 319 Cr.P.C. in the present petitions is hit by earlier order by which the similar petition for summoning the accused under Section 319 Cr.P.C. was rejected by the same Court. In my view that is no reason to stall the trial at such a late stage which has almost come to an end. Both the parties are equally guilty to allow the delay and latches to come in their way. The High Court would not be justified in staying the trial only because there is the delay in deciding both these petitions.

In the result I find no merit in these petitions for the reasons stated above. Both the petitions are dismissed. The trial Court is directed to complete the trial within three months from today. All the points raised in the petitions shall be kept open.

24th MARCH, 2017
'raj'

(A. B. CHAUDHARI)
JUDGE

Whether speaking/reasoned:	Yes	No
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Whether Reportable:	Yes	No
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