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

CRM-M-7698 of 2016 (O&M)

Date of decision: September 05, 2019

Amit

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. R.S. Mann, Advocate for the petitioner.

Mr. Arun Beniwal, DAG Haryana.

Ms. Puja Chopra, Advocate for respondents No.2 and 3.

MAHABIR SINGH SINDHU, J (Oral)

Present petition has been filed under Section 482 of Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') for quashing the order dated 25.08.2015 (P-1) as well as order dated 06.02.2016 (P-5) passed by learned Judicial Magistrate Ist Class, Ambala (for short 'JMIC Ambala'), whereby prosecution evidence has been ordered to be closed and application moved by the petitioner for summoning the prosecution witnesses, namely Dr. Gurleen Kaur Bhinder, Dr. Vikas Kaushik and Hoshiar Singh, ASI, has been declined.

The genesis of the case is that a scuffle had taken place between the parties on account of some dispute regarding purchase of iron rods for an amount of ₹1700/- and that resulted into registration of FIR No.7 dated 13.01.2010, under Sections 323, 325, 341, 506, 34 of

Indian Penal Code, 1860 (for short 'IPC), at Police Station Sadar Ambala.

At the outset, learned counsel for respondents No.2 and 3 has submitted that during mediation, in lieu of ₹1700/-, they had offered an amount of ₹25,000/-, but that was not accepted by the petitioner. Even today also, before this Court, again learned counsel for respondents No.2 and 3 reiterated that they are ready and willing with the above offer, but the same has been outrightly rejected by the learned counsel for the petitioner on the ground that he has lost his reputation in the society.

Heard both sides and perused the paper-book.

It transpires that matter is pending before learned trial Court for the last more than 9 years. Undisputedly, there is no stay by any superior Court and the trial is going on, but despite availing the 33 opportunities, prosecution has failed to conclude its evidence. Paper-book reveals that respondents No.2 and 3 are facing ordeal of trial since long and the matter is being delayed by the prosecution while seeking adjournments on one pretext or the other. No doubt the prosecution has a right to lead the evidence and prove the charges in a criminal trial, but it cannot be prolonged endlessly at the cost of the accused and a balance is to be maintained. Even otherwise, respondents No.2 and 3 have made a reasonable offer to compensate the petitioner by way of an amount of ₹25,000/-, but that has been rejected twice.

Even otherwise, it is the duty of the Court to ensure that a speedy trial is conducted for the protection of the right of an accused as mandated by Article 21 of the Constitution of India, therefore, keeping in view the pendency of the present case for the last more than 9 years, learned JMIC was right enough while closing the evidence of the prosecution.

In view of the facts and circumstances discussed hereinabove, it is apparently clear that prosecution has already been afforded sufficient number of opportunities to conclude their evidence, therefore, this Court does not find any illegality with the impugned orders passed by both the Courts below.

Consequently, the present petition lacks merits and is dismissed.

It is clarified that observations made above including the offer of ₹25,000/- by respondents No.2 and 3 be not construed as an expression of opinion on the merits of the case.

(MAHABIR SINGH SINDHU)
JUDGE

September 05, 2019

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No