

S.No.132

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

CRM-M-32643 of 2019 (O&M)

Date of Decision:09.09.2019

Sh. Satish Chand Singla

.....Petitioner

Vs.

State of Haryana and another

.....Respondents

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Jai Vir Yadav, Advocate
for the petitioner.

Rajbir Sehrawat, J.(Oral)

The present petition has been filed by the petitioner under Section 482 Cr.P.C for quashing of the impugned order dated 01.05.2019 passed by learned Judicial Magistrate Ist Class, Gurugram in criminal complaint No.139 of NI Act dated 08.07.2016 titled as “Satish Chand Singla v. Ujwal Gupta” and its consequent proceedings arising out of the same.

It is contended by counsel for the petitioner that the trial Court has passed the impugned order, allowing the application of the respondent/accused under Section 311 Cr.P.C, thereby permitting the respondent to bring on record certain material/evidence which is not at all required in the case. It is further contended by counsel for the petitioner that the entire effort of the respondent/ accused has been to prolong the trial as much as he can. Although the complaint was filed in July, 2016 and even the petitioner was cross-examined in December, 2017, however, thereafter, the trial has unnecessarily been delayed by the accused/ respondent. He has repeatedly changed the counsels and repeatedly jumped the bail. In the process, the respondent had changed the six counsels and he was granted bail by the trial Court four times. Therefore, the application was moved only as a means to delay the process of the Court.

Having heard learned counsel for the petitioner and having perused the impugned order; as well as the case file, this Court does not find any illegality or irregularity with the order passed by the Trial Court. Therefore, the order passed by the Trial Court does not call for any interference.

However, the grievance of the petitioner that the accused/respondent is unnecessarily delaying the trial, is also not without substance. The submissions made by counsel for the petitioner are fully substantiated by the orders of the Trial Court which have been placed on record of the present petition. Therefore, direction to the trial Court, to conclude the trial, within time bound frame; has become imperative in this case.

In view of the above, the present petition is disposed of with a direction that the trial Court shall conclude the trial itself within a period of four months from today. It is further clarified that all the steps, which the respondent/ accused intend to take to substantiate his defence; shall have to be taken within this period of four months only. The trial Court shall ensure that no frivolous applications, if any, moved by the accused/ respondent are permitted to delay the trial. In any case, the trial of the case shall not be permitted to travel beyond a period of four months, as mentioned above.

September 09, 2019
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(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No