

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-5485-2021 (O&M)
Date of Decision:- 13.10.2021

Ram Dev

.... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Ashish Aggarwal, Advocate, for the petitioner.

Mr. Harbir Sandhu, AAG, Punjab.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner/complainant has approached this Court seeking issuance of directions to the Court of learned Additional Sessions Judge, District Amritsar to dispose of the trial arising out of FIR No. 124, dated 11.5.2018, Police Station Gate Hakima, District Amritsar City, under Sections 306, 34 IPC, within a fixed time frame.
2. Vide order dated 27.8.2021, this Court deemed appropriate that before issuing any direction, a status report be called from the Presiding Officer, concerned particularly as regards the status of the application, stated to have been filed by the complainant/prosecution under Section 319 Cr.P.C., which was stated to be pending since long.
3. Report from the trial Court concerned has been received wherein it has been informed that on account of pandemic, the Courts have been

working restrictively since the last 1 ½ years and that presently priority is been given to the cases of accused who are in custody and in such cases short dates are being fixed, whereas in other cases long dates are fixed as the number of cases pending in the said Court is high. It has been informed that as many as 3000 cases are pending before the Court concerned, out of which 1000 are Sessions trials (about 400 IPC cases and 650 NDPS Act cases).

4. The aforesaid pendency of Sessions Trials in the Court of the Presiding Officer concerned is phenomenally high. In such a scenario, even if 50 Sessions trials are fixed everyday, then it would be only after about a month (average 20 working days a month) that the turn of the case would come for the next hearing. With 50 Session Trials on board everyday it is practically not possible to effectively attend to such number of trials in a day as the Court would also be having other miscellaneous work arising out of the said trials including bail applications, Supardari applications, applications under Section 311 Cr.P.C., applications under Section 319 Cr.P.C. in addition to the fact that there would be Criminal Appeals and Criminal Revisions and other large number of civil cases as well. In these circumstances, the fact that the trial Court had been giving priority to the cases where accused are in custody can well be appreciated. In the instant case, both the accused are stated to be on bail.
5. At the same time, this Court can also understand the pain and anguish of the complainant who has lost his son, but finds that trial is

proceeding at snail's pace. It is on account of the backlogs which have increased all the more on account of pandemic that the present situation has arisen. In these circumstances, this Court at this stage would not prefer to fix any time-frame for concluding the trial. However, since the application under Section 319 Cr.P.C. is stated to have been filed in the year 2018, the trial Court is directed to dispose of the said application at the earliest so that further proceedings on the basis of the said application may be initiated in case any additional accused is required to be summoned as summoning an additional accused normally results in de-novo trial.

6. Since, it has been noticed above that the pendency before the Court concerned is phenomenally on the higher side, a copy of this order be sent to the Registrar General of this Court to look into the matter and to see as to whether it is only in the Court of Presiding Officer concerned that the pendency of files is on the higher side or as to whether it is so in every District. In case, it is found that the number of files per Officer is exceptionally higher in District Amritsar, then feasibility of posting some additional officer be considered during the next general transfer or even before that in case there is any reshuffling/posting of officers, which of course would be considered subject to the approval of Hon'ble the Chief Justice.

7. The petition stands disposed of accordingly.

13.10.2021

Mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No