

237 **IN THE HIGH COURT OF PUNJAB AND HARYANA**
(2 cases) **AT CHANDIGARH**

CRM-M-20081-2018 (O&M)
Date of Decision: 30.9.2021

Balwinder Singh Mann and another

..... Petitioners

Versus

State of Punjab and others

.....Respondents

CRM-M-20407-2019 (O&M)

Manpreet Singh Mann

..... Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Baltej Singh Sidhu, Sr. Advocate with
Mr. Satyaveer Singh Badal, Advocate, for the petitioners.
Mr. M.S. Nagra, Assistant Advocate General, Punjab.

Rajesh Bhardwaj, J. (ORAL)

Matter has been taken up through video conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

This order will dispose of the abovementioned petitions the same have arisen out of a common FIR.

The petitioners have approached this Court praying for quashing of FIR No.17 dated 10.11.2015 under Sections 406, 498-A and 120-B IPC registered at Police Station NRI, Ludhiana and the subsequent proceedings arising out of the same.

It has been contended that the FIR is nothing but an abuse of

the process of the Court, as the petitioners are NRI being permanently settled alongwith their family at Melbourne, Australia for more than last 25 years. It has been further contended that the petitioners, Balwinder Singh Mann and Kuldeep Kaur Mann came in search of a suitable match for their son and a matrimonial advertisement was given in the newspaper "Ajit". In response to the same, respondent No.2 approached with a proposal of marriage of his daughter Gurmeet Kaur. Thereafter, the proposal was finally agreed upon by the parties and the marriage took place on 4.1.2013. Thereafter, respondent No.3-Gurmeet Kaur was taken to Australia and after some time the matrimonial ties ran into rough weather. Respondent No.3 moved out of the matrimonial home in Australia itself and the marriage was virtually broken down. It is contended that thereafter, the marriage was dissolved between the parties by divorce order dated 19.5.2016 passed by the Federal Circuit Court, Australia. It is contended that both the parties i.e. the husband, Manpreet Singh Mann and respondent No.3, Gurmeet Kaur are residing in Australia itself and are remarried. The parents-in-law as well are the residents of Australia. It has been contended that all the three petitioners are the citizens of Australia and their business is totally paralyzed as they cannot move out of the country because of the pendency of the trial. It has been further alleged that the present FIR has been registered by the father of respondent No.3, Gurmeet Kaur only in order to harass the petitioner and the same is an abuse of the process of the Court. Notice was issued to the State.

Learned State counsel has submitted that the investigation in the FIR is already complete and challan stands presented and after framing

of charges, now the evidence is being recorded. He submits that in all there are total 16 prosecution witnesses, out of which the complainant has already been examined and the next date for examination of further evidence is fixed for 26.10.2021.

It is apparent that the FIR was registered in the year 2015 and is hanging fire from the last about six years. The speedy trial unquestionably is also part of the rights under Article 21 of the Constitution of India. The trial is pending for considerably long time and thus, without going into the merits of the case, this Court finds force in the submissions made by learned Sr. counsel for the petitioner that the trial should be concluded expeditiously.

In the overall facts and circumstances of the case, the Court is of the opinion that the trial in this FIR deserves to be expedited. Hence, the trial Court is directed to expedite the trial and conclude the same preferably within a period of six months from the date of the receipt of certified copy of this order.

In view of the observations made above, the present petitions stand disposed of.

(RAJESH BHARDWAJ)
JUDGE

30.9.2021
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Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No