

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

**CRM-M No.33123 of 2019(O&M)
Date of Decision-11.10.2021**

Sandeep

... Petitioner

Versus

State of Haryana

... Respondent

CORAM:-HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Sushil Sheoran, Advocate
for the petitioner.

Mr. Anant Kataria, DAG, Haryana.

RAJ MOHAN SINGH, J.

[1]. The case was heard on 18.08.2021 and the order was kept reserved. Thereafter, order was pronounced on 25.08.2021 and learned State counsel was directed to place on record all the interlocutory orders passed by the trial Court in the context of examination of the witnesses and the adjournments granted from time to time. The order was passed in order to ascertain whether the trial has been delayed due to unavoidable circumstances arising out of COVID-19 pandemic or due to any fault attributable to the parties.

[2]. Learned counsel for the petitioner has brought on record the interlocutory orders as Annexures P-2 to P-10 in order to discharge the State counsel from the said obligation. The documents have already been taken on record.

[3]. Perusal of order dated 17.07.2019 passed by Additional Sessions Judge, Rohtak would show that the accused were charge-sheeted vide the aforesaid order and the case was adjourned to 19.09.2019 for prosecution evidence. On 19.09.2019, two PWs were present and examined as PW-1 and PW-2. No other PW was present. The case was adjourned to 09.12.2019 for remaining prosecution evidence. On 09.12.2019, no PW was present. The case was adjourned to 06.04.2020 for the same purpose. Thereafter, vide order dated 01.04.2020, the case was adjourned to 29.05.2020 in view of instructions issued by the High Court vide letter dated 27.03.2020 and order dated 30.03.2020 in respect of precautionary measures in the wake of pandemic Novel Corona Virus. Thereafter, order was passed on 22.05.2020 in the same context and the case was adjourned to 07.08.2020. The matter was again taken up on 31.07.2020 and in the same context, the case was further adjourned to 26.11.2020 for the same purpose. The case was further taken up on 17.11.2020 and was adjourned to 01.03.2021 for the same purpose due to COVID-19 pandemic. On 01.03.2021, no PW was present. Summons issued to PWs ASI Nafe Singh and ASI Vinod received back with request for adjournment. The request was allowed. Summons issued to PW

Constable Harpal received back duly served, but he did not appear. His presence was ordered to be secured through bailable warrants in a sum of Rs.5000/- with one surety in the like amount for 02.06.2021. Notice was also issued to the witness under Section 350 Cr.P.C. The case was taken up on 31.05.2021 as the Presiding Officer was availing summer vacations and the case was further adjourned to 25.10.2021.

[4]. Perusal of the aforesaid orders would show that the petitioner was not instrumental in getting the trial delayed. At the same time, delay, if any occasioned was on account of unprecedented situation arising out of COVID-19.

[5]. Learned counsel for the petitioner submitted that there is non-compliance of mandatory provision under Section 50 of the NDPS Act, whereas learned State counsel submitted that there is huge recovery of contraband and false plantation of the same is not possible.

[6]. The Court is yet to opine on the non-compliance of the provision and therefore, it would be just and appropriate to direct the trial Court to conclude the trial within a specified period as the Courts are now functioning on physical mode.

[7]. Keeping in view the aforesaid facts, stage of the trial, custody of the petitioner and other attending circumstances of the case, I deem it appropriate to direct the trial Court to make every possible effort to conclude the trial at the earliest, preferably within

a period of six months from the date of receipt of certified copy of this order.

[8]. Disposed of.

(RAJ MOHAN SINGH)
JUDGE

11.10.2021
Prince

Whether reasoned/speaking	Yes/No
Whether reportable	Yes/No