

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

245

CRM-M-9144-2018
Decided on : 10.05.2022

Anita Singh Bhati and others

. . . Petitioners

Versus

State of Punjab

. . . Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: None for the petitioners.

Mr. Sukhbeer Singh, AAG, Punjab.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for issuance of necessary directions to the trial Court to conclude the trial in case FIR No. 153 dated 09.10.2012 under Sections 419, 420, 467, 468, 471 and 120-B of the Indian Penal Code, 1860 registered at Police Station Shambu, District Patiala.

Learned State counsel has pointed out that in the present case, there are 202 witnesses, out of which 49 witnesses have been examined and the trial Court is making sincere efforts to examine the remaining witnesses. A report from the trial Court was also called for, which has been received. The relevant portion of the said report is reproduced hereinbelow:-

“It is further submitted that in the present case there 99 persons who have been arraigned as accused, out of which two accused have expired and one has been

declared as proclaimed offender. Thus, in total there are 96 accused in the case and all are out on bail. The accused come to attend the court from different places i.e. Amritsar, Delhi, Panipat, Noida, Gaziabad, Samli, Muzaffarnagar, Jhajjar and Sonapat etc. The total number of witnesses in the present case is 202, out of which 27 witnesses have been examined till today. Most of the witnesses belong to Amritsar and have to come from Amritsar to depose in the court.

It is respectfully submitted that on many occasions, the witnesses are present but some of the accused persons do not appear and therefore, the witnesses cannot be examined. To combat this, the court only calls a particular number of accused persons and their corresponding witnesses on a particular date, but still some of the accused persons do not appear and the court has to send back the witnesses without their evidence being recorded.

It is also respectfully submitted that the court cancels the bail of the accused who does not appear in the court, but again an application for bail is moved which the court allows because no useful purpose would be served by keeping them behind bars. It is respectfully submitted that this is the main reason the proceedings of the case are taking so much time. It is respectfully submitted that sincere efforts are being made to decide and dispose of the case at the earliest. This is for kind perusal of your good-self.

Thanking you,”

A perusal of the above report would show that there are 99 persons who have been arrayed as accused, out of which two have expired and they all are residents of different places and on the date of the report

i.e. 16.01.2019, 27 witnesses had been examined. It has further been stated that on a large number of occasions, the accused did not appear. A perusal of the report would also show that it is stated therein that all sincere efforts have been made so as to decide the case at the earliest. After the submission of the said report, 22 more witnesses have been examined.

None has appeared on behalf of the petitioners to contradict the facts which have been stated by learned State counsel or have been mentioned in the report.

Keeping in view the above facts and circumstances, the present petition is disposed of with the direction to the trial Court to expedite the trial in the present case and to conclude the same as expeditiously as possible.

The State is also directed to produce the witnesses as expeditiously as possible and the accused as well as their counsel are also directed to assist the Court in disposing of the trial as expeditiously as possible.

May 10th, 2022

Mehak

**(VIKAS BAHL)
JUDGE**

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No