

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(118)

CRM-M-40185-2022

Date of decision: - 05.09.2022

Jeevanjot Singh

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Kuljit Singh Bal, Advocate,
for the petitioner.

VIKAS BAHL, J. (ORAL)

This is the second petition under Section 482 Cr.P.C. seeking directions to the trial Court to expedite/conclude the trial pending in FIR No.60 dated 13.07.2019, under Sections 452, 324, 323, 427 and 34 IPC titled as "State Vs. Harjinder Singh @ Bura and others", in a time bound manner.

Learned counsel for the petitioner has submitted that the first petition filed by the petitioner was withdrawn with liberty to file a fresh petition after annexing all the zimni orders and after furnishing the details of the number of witnesses in the present case and how many witnesses have been examined. It is further submitted that in pursuance thereof, the present petition has been filed and thus, is in fact, the first petition filed by the petitioner.

It is submitted that the petitioner is a young boy of 25 years

of age and has been falsely implicated in the present case and thus, has prayed that the trial Court be directed to expedite the trial in the above-said case.

This Court has heard learned counsel for the petitioner and has gone through the paper-book.

A perusal of the para 3 of the paper-book would show that the charges were framed against the petitioner on 16.04.2021. A perusal of the zimni order dated 19.05.2022 would show that although, witness PW-1 was present, but co-accused of the petitioner Harinder Singh and Mandeep Singh had absented themselves and thus, PW-2 had not been examined and the matter was thereafter, adjourned to 19.07.2022. Further, a perusal of order dated 16.07.2022 (page 21-A of the paperbook) would show that the said PW-1 was examined and it is the counsel for the accused, who had sought an adjournment. Further, a perusal of the orders dated 21.02.2022 and 12.01.2022, would show that co-accused of the petitioner had moved applications for exemptions, which were allowed. On 19.07.2022, neither PW-1 nor PW-2 had appeared and the Chief Judicial (Jr. Division)-cum-Judicial Magistrate 1st Class, Batala had issuedailable warrants against PW-1 and non-ailable warrants against PW-2 and the matter has been fixed for 07.09.2022. This Court is sanguine of the fact that there are several cases which are pending for last more than 5 years without much progress. In the present case, charges have been framed on 16.04.2021, as stated herein-above and the Court is making every possible effort to examine the witnesses and even issuingailable and non-ailable warrants for procuring the presence of the

parties and on certain dates, when PW-1 was present, it was the defence counsel who had sought adjournments or it was the co-accused persons of the petitioner, who filed applications for exemption, thereby delaying the proceedings.

Keeping in view the above-said facts and circumstances, the present case is not a case where a direction for expeditious trial is required to be passed and accordingly, the present petition is dismissed.

This Court is sanguine of the fact that the trial Court, which has been proceeding in accordance with law, would make every possible effort to decide the case as expeditiously as possible.

September 05, 2022
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(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes
No