

CRM-M-8317-2023

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(114)

CRM-M-8317-2023
Date of Decision:- 22.08.2023

Rajinder Singh @ Kala

...Petitioner

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Balram Prashar, Advocate for the petitioner.

Mr. Arun Luthra, DAG, Punjab for State-respondent No.1.

SUVIR SEHGAL, J. (Oral)

1. By way of present petition filed under Section 482 of the Code of Criminal Procedure, 1973, petitioner has sought direction to the Trial Court to expedite the trial of case No. SC/135 of 2019 arising out of FIR No. 261 dated 02.12.2018, registered for offences under Sections 304 and 427 of the Indian Penal Code, 1860 (for short "IPC"), however, later on Sections 279, 337 and 338, IPC were added, at Police Station Dehlon, District Police Commissionerate Ludhiana, Annexure P-1.
2. Counsel for the petitioner submits that the petitioner, who is on bail, is the sole accused in the above mentioned FIR and has been diligently appearing before the Trial Court on each and every date of hearing. He submits that despite the fact that charge was framed on 20.03.2019, the prosecution has failed to conclude its evidence.

3. Upon instructions, State counsel submits that eight out of fifteen prosecution witnesses have been examined and three witnesses have been given up.
4. Heard counsel for the parties.
5. While issuing notice of motion, this Court by order dated 20.02.2023 called for a report from the Trial Court, which has been received and its relevant extract is as under:-

“It is respectfully submitted that the case titled as ‘State Versus Rajinder Singh alias Kala.’ in FIR No.261 dated 02.12.2018, under Sections 304, 279, 337, 338, 427, IPC, PS Dehlon is pending in this court. In this case, till date 8 witnesses have been examined. However, the complainant Narinder Kumar and eye witness Amrik Singh are stated to have gone abroad and their presence could not be procured. The prosecution has been directed to provide their correct addresses, so that they could be examined as witnesses. Apart from that two other witnesses (Doctors who treated the injured) are also yet to be examined and the next date fixed in this case is 30.05.2023.”

6. Noticing that the FIR was registered almost five years earlier, this Court deems it appropriate to request the Trial Court to expedite the trial and conclude it as early as possible.
7. Petition is disposed of.

(SUVIR SEHGAL)
JUDGE

22.08.2023
Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No