

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

CRM-M-10527-2023

Date of decision : 28.02.2023

Talwinder Singh

.....Petitioner

versus

State of UT Chandigarh and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Vicky Sharma, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

Prayer in the present petition is for quashing of the FIR No.172 dated 21.04.2018, under Sections 279, 323, 341 of IPC, registered at Police Station Sector-39, District UT Chandigarh along with subsequent proceedings arising therefrom.

It has been contended by counsel for the petitioner that the petitioner was falsely implicated in this case and since the date of registration of the FIR, he is being harassed by the complainant by prolonging the trial by adopting every unfair means. It is submitted that the petitioner is a government employee who is regularly attending the Court. However, the complainant after having registered the FIR, does not appear before the Court for his examination. He has submitted that 31 opportunities have been granted so far but whereabouts of the complainant is not ascertained till date. Counsel for the petitioner fairly submits that the petitioner is ready to face trial but his right to speedy trial is totally being taken away by the prosecution by not examining the complainant. He further submits that the petitioner wishes to continue

appearing in the trial Court but the prosecution witnesses should be directed to appear before the trial Court. He fairly submits that he restricts his prayer in this petition to that extent.

Notice of motion.

On asking of the Court, Mr. Ankur Bali, Addl. PP, UT Chandigarh accepts notice on behalf of the respondent-State.

Learned State counsel has submitted that in all, there are 07 prosecution witnesses, out of which, 04 witnesses already stand examined and the chief of 5th witness has also been recorded. However, he has fairly submitted that whereabouts of the complainant is not known as on date.

Heard. After hearing counsel for the parties and perusing the record, the present petition is disposed of with direction to the trial Court to conclude the trial expeditiously, preferably, within two months from the date of passing of this order. The prosecution is directed to make available all the prosecution witnesses for their examination. Needless to say that the trial Court is at liberty to take necessary action in case it finds that the prosecution is further delaying the trial.

(RAJESH BHARDWAJ)
JUDGE

28.02.2023
m. sharma

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