

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

119

CRM-M-11058-2023
Date of Decision : 02.03.2023

Sunil

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Shikhar Goel, Advocate for
Mr. Abhimanyu, Advocate
for the petitioner.

JAGMOHAN BANSAL, J. (Oral)

The petitioner through instant petition under Section 482 Cr.P.C. is seeking directions to the Sessions Court, Faridabad to expedite the trial arising out of FIR No.125/2021 dated 25.03.2021 registered at Police Station Saran, Faridabad, under Sections 363, 120B IPC and Section 6 and 17 of POCSO Act.

Learned counsel for the petitioner *inter alia* submits that the petitioner was arrested on 11.04.2021. The petitioner is in custody since then and three co-accused have already been released on regular bail. The prosecution has moved an application under Section 319 Cr.P.C. and further not completing the examination of the witnesses. As per proviso to Section 309 Cr.P.C., the trial Court is supposed to conclude the trial within two months from the date of filing of charge-sheet.

In the case in hand, the charge-sheet was filed on 07.06.2021. However, till date prosecution witnesses are not examined and prosecution by one or another way is delaying the trial.

This Court finds substance in the prayer of the petitioner. The petitioner in terms of Article 21 of Constitution of India has right of speedy trial. Proviso to Section 309 Cr.P.C. confirms the right of speedy trial guaranteed by Article 21 of Constitution of India. The petitioner is in custody since 11.04.2021, thus, trial in terms of proviso to Section 309 Cr.P.C. as well as Article 21 of Constitution of India needs to be concluded at the earliest. This Court is not oblivious the fact that the Family Courts as well as the Courts dealing with the crime against women are over-burdened, thus, it is not possible to conclude trial within a time bound manner. However, keeping in view the facts and circumstances of the present case, the trial Court is requested to expedite the examination of prosecution witnesses. The Court is free to secure presence of all the private as well as official witnesses through all means including coercive steps.

Disposed of.

(JAGMOHAN BANSAL)
JUDGE

02.03.2023
anju

Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>