

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

205

CRM-M-25310-2023

Date of Decision : 11.09.2023

Lakhwinder Singh @ Lakhi

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present : Mr. Vipin Kumar Sharma, Advocate for the petitioner.

Mr. P.S. Bajwa, Addl. A.G., Punjab.

NAMIT KUMAR, J. (ORAL)

1. The petitioner has filed the instant (second) petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No.59 dated 12.08.2021 registered under Section 15(c) of the NDPS Act, 1985 (to which Sections 21 and 27 of the NDPS Act were added later on) at Police Station Patara, District Jalandhar.

2. After arguing for sometime, learned counsel for the petitioner wishes to withdraw the present petition with a request for issuance of appropriate directions to the Trial Court to conclude the trial as the FIR was registered on 12.08.2021, challan was filed on 22.12.2021, charges qua the petitioner was framed on 20.10.2022 (Annexure P-1), out of total 13 prosecution witnesses only 01 has been examined so far and the case was last fixed on 25.08.2023.

3. I have heard learned counsel for the parties and perused the relevant documents.

4. Speedy trial in all criminal persecutions is an inalienable right under Article 21 of the Constitution and not confined to any particular category of cases. In every case where the right to speedy trial is alleged to have been infringed, the Court has to perform the balancing act upon taking into consideration all the attending circumstances, and determine in each case whether the right to speedy trial has been denied in a given case or not. Where the Court comes to the conclusion that right to speedy trial has been infringed, it would be open to the Court to make an appropriate orders as it may deem just and equitable, including fixation of time for conclusion of trial

5. Hon'ble Supreme Court in ***Rattiram and others v. State of M.P. through Inspector of Police, 2012(2) R.C.R.(Criminal) 471*** held as under: -

“46. At this juncture, we would like to refer to two other concepts, namely, speedy trial and treatment of a victim in criminal jurisprudence based on the constitutional paradigm and principle. The entitlement of the accused to speedy trial has been repeatedly emphasized by this Court. It has been recognized as an inherent and implicit aspect in the spectrum of Article 21 of the Constitution. The whole purpose of speedy trial is intended to avoid oppression and prevent delay. It is a sacrosanct obligation of all concerned with the justice dispensation system to see that the administration of criminal justice becomes effective, vibrant and meaningful. The concept of speedy trial cannot be allowed to remain a mere formality (see Hussainara Khatoon and Ors. V. Home Secretary, State of Bihar, (1980)1 SCC 81, Moti Lal Saraf v. State of Jammu & Kashmir, 2006(4) RCR (Criminal) 637 : 2006(3) Apex Criminal 480 and Raj Deo Sharma v. State of Bihar, 1998(4) RCR (Criminal) 396:1998(37) ACC 834(SC).

47. *While delineating on the facets of speedy trial, it cannot be regarded as an exclusive right of the accused. The right of a victim has been given recognition in Mangal Singh and Anr. V. Kishan Singh and ors., AIR 2009 Supreme Court 1535 wherein it has been observed thus :-*

“Any inordinate delay in conclusion of a criminal trial undoubtedly has highly deleterious effect on the society generally and particularly on the two sides of the case. But it will be a grave mistake to assume that delay in trial does not cause acute suffering and anguish to the victim of the offence. In many cases the victim may suffer even more than the accused. There is, therefore no reason to give all the benefits on account of the delay in trial to the accused and to completely deny all justice to the victim of the offence.”

48. *It is worth noting that the Constitution Bench in Iqbal Singh Marwah and another v. Meenakshi Marwah and another, 2005(2) RCR (Criminal) 178: 2005(1) Apex Criminal 581 : 2005(28) AIC 1 (SC) : 2005(51) ACC 910 (SC) though in a different context, had also observed that delay in the prosecution of a guilty person comes to his advantage as witnesses becomes reluctant to give evidence and the evidence gets lost.”*

6. The right to a speedy trial was first recognised in ***Hussainara Khatoon v. Home Secretary, AIR 1979 Supreme Court 1360***, wherein, the Hon’ble Supreme Court held that a speedy trial is implicit in the broad sweep and content of Article 21 of the Constitution. Subsequently, in a series of judgments, the Hon’ble Supreme Court has held that 'reasonably' expeditious trial is an integral and essential part of the Fundamental Right to Life and Liberty enshrined in Article 21 of the Constitution of India.

7. Keeping in view the facts and circumstances of the present case, this Court deems it appropriate to issue directions to the trial Court

CRM-M-25310-2023

4

to conclude the trial expeditiously without granting unnecessary and unwarranted adjournments.

4. Dismissed as withdrawn at this stage.
5. A copy of this order be sent to the Trial Court for information and necessary compliance.

11.09.2023

Kothiyal

Whether Speaking/reasoned

Whether Reportable

(NAMIT KUMAR)

JUDGE

Yes/No

Yes/No