

CRM-M-39543-2023

--1--

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

210

CRM-M-39543-2023
Date of Decision: August 21, 2023

Jaswinder Singh @ Baggar

.....Petitioner(s)

Vs.

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Dr. Anmol Rattan Sidhu, Sr. Advocate with
Mr. Raghav Gulati, Advocate for the petitioner.

Mr. Karunesh Kaushal, AAG, Punjab.

ANOOP CHITKARA J. (ORAL)

The present petition has been filed seeking grant of regular bail to the petitioner in case FIR No.0002 dated 03.01.2021 registered at Police Station Lambi, District Sri Muktsar Sahib, under Sections 22(C) of NDPS Act and Section 29 of NDPS Act added later on.

2. Learned Sr. Counsel for the petitioner submits that despite the direction given vide order dated 16.02.2023 by this Court, the trial is still not concluded, which supposed to be concluded on or before 30.04.2023.

3. State counsel on instructions submits that all the prosecution witnesses have already been examined and the trial is at fag end. Now the matter is fixed for recording of statement under 313 Cr.P.C. for 23.08.2023 and after that it is for the accused-petitioner to take as much time as they want to lead defence evidence.

4. Given above, and also considering the petitioner's right to speedy trial coupled with the pre-trial incarceration, this court requests the concerned trial court to make all endeavours to conclude the trial by Sept. 30, 2023 with adequate

CRM-M-39543-2023

--2--

time to provide an opportunity to the accused to lead defence evidence, if so desired, and to conclude its hearing. To meet the deadline, an endeavour be made to speed up the process for service and to pass the necessary directions in this regard. It is clarified that if expediting this trial disturbs the docket of the concerned court, then a balance be struck, and if, on this account, any delay happens, then an extension can be sought by mentioning such reasons. It is clarified that this order speeding up the trial is subject to the condition that neither the petitioner shall seek any adjournment nor try to use any tactics to delay the trial. If they do so, this order of expediting the trial shall stand automatically recalled by resorting to Section 362, read with Section 482 Code of Criminal Procedure, 1973, without any further reference to this court. If any of the accused is on bail and fail(s) to attend the trial without any sufficient cause, then they be dealt with strictly but in accordance with law.

5. It is also clarified that in case the trial is not concluded within the stipulated time period and the delay is not attributable to the petitioner-accused, in that eventuality, the petitioner shall be at liberty to file bail application in the Ist week of October 2023 before the trial Court by taking an additional ground of delay in the trial and the petition so filed be decided within one week from the date of its filing.

6. The petition is disposed of with the aforesaid liberty and observations. All pending applications, if any, stand closed.

(ANOOP CHITKARA)
JUDGE

August 21, 2023
sonia arora

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