

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

CRM-M-43500-2023(O&M)

Date of Decision: 01.09.2023

Shinder Pal Singh

.....Petitioner

Versus

Rajni Rani

.....Respondent.

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. H.S. Sidhu, Advocate
for the petitioner.

ARUN MONGA, J. (ORAL)

Present petition has been filed under Section 482 of Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') for issuance of direction to learned trial Court to expedite the proceedings in NACT-868-2021 titled as "*Shinder Pal Singh Versus Rajni Rani*" under Section 138 of Negotiable Instruments Act, 1881 (for short 'N.I Act) and to further direct the leaned trial Court to conclude the trial in a time bound manner, preferably within 6 months.

2. Learned counsel for the petitioner submits that complaint was filed by the petitioner under Section 138 of N.I. Act against respondent on 13.08.2021 in respect of dishonour of cheque No.99042 dated 25.05.2020 for a sum of Rs.1,50,000/-. He further submits that the respondent was summoned by learned Judicial Magistrate 1st Class, Sangrur vide order dated 27.10.2021 (Annexure P-3). However, respondent did not appear despite issuance of notice, bailable warrants, non-bailable warrants and proclamation under Section 82 of Cr.P.C. till November, 2022. Even after appearance, respondent adopted every possible tactics to delay the adjudication of the complaint. Learned counsel further

contends that even after lapse of more than 2 years from the filing of complaint the trial has not progressed. Till date the notice of accusation has also not been served upon the respondent.

3. Heard.

4. Perusal of averments made in the instant petition shows that complaint before learned trial Court is pending for consideration on notice of accusation against the respondent. Complaint was filed sometimes in the year-2021. In the matters of trials, usually the delay occurs even while adducing preliminary evidence. It only on appreciation thereof, if at all learned Court below then comes to the conclusion that there is sufficient prima facie evidence to proceed against the accused, it orders summoning.

5. In this case, the complaint was filed during the interregnum of COVID-19 pandemic when the working in the Courts was hit adversely and for a sufficiently long period, work remained suspended owing to aforesaid intervening pandemic period and subsequent thereto, Courts were working under certain restrictions and it is only thereafter that full-fledged working of the Courts have resumed. Presence of accused was secured in November, 2022.

6. In the premise, no grounds worthy of interference are made out.

7. Dismissed with an expectation that the learned trial Court will proceed further with the case in accordance with law, as expeditiously as possible.

8. Pending application(s), if any, shall also stand disposed of.

01.09.2023
Jyoti Thakur

(ARUN MONGA)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No