

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

111

CRM-M-61660-2023

Date of Decision : December 07, 2023

NITISH GHAI

-Petitioner

V/S

STATE OF PUNJAB

-Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Gagandeep Singh Virk, Advocate
for the petitioner.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant petition, as instituted under Section 482 of the Cr.P.C., the petitioner seeks issuance of directions upon the learned trial Court concerned to expeditiously conclude the trial of case bearing No.CHI/22/2021, in FIR No.163 dated 10.06.2018, registered at P.S. Division No.8, Ludhiana.

2. The learned counsel for the petitioner submits that the petitioner has been facing the agony of trial since 2018 and despite lapse of 5 years, there appears no likelihood of the trial being concluded anytime soon, as the prosecution has adopted a lethargic and indolent approach. The FIR (supra) was registered on 10.06.2018 and thereupon, the Final Report was filed on 16.02.2021, which led to framing of charges by the learned trial Court on 24.08.2021. Moreover, out of the total 8 prosecution witnesses, i.e. 7 official witnesses and 1 private complainant, only one witness has been examined uptil now.

3. Furthermore, the learned counsel for the petitioner has made a statement at bar before this Court that none of the accused was/is declared as

‘Proclaimed Offender’. The petitioner/accused cannot be attributed any fault, which may have led to prolongation of the trial.

4. Notice of motion.

5. Ms. Kanica Sachdeva, A.A.G., Punjab, waives service of notice on behalf of the respondent-State.

6. Considering the innocuous and bonafide prayer made by the learned counsel for the petitioner, coupled with the fact that the petitioner/accused has been bestowed with a fundamental right to an expeditious trial, besides the fact that it is in the interest of all concerned that the guilt or innocence of the petitioner/accused is determined as soon as possible, this Court deems it appropriate to direct the learned trial Court concerned to expedite the trial and to conclude it within nine months from today.

7. The S.S.P. concerned is also directed to ensure the presence of all the official prosecution witnesses, on each and every date, as fixed by the learned trial Court concerned, for their examination.

8. Disposed of accordingly.

9. A copy of this order be supplied to the learned trial Court concerned for its compliance.

10. Also, a copy of this order, under signatures of the Bench Secretary, be supplied to the learned State counsel for enabling her to communicate it to the authority/court concerned for its compliance.

December 07, 2023
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No