

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

205

CRM-M-4154 of 2024
Date of Decision: 06.05.2024

Jaggi alias Jagdish Singh and others

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Amrik Singh, Advocate the petitioners.

Mr. Rajiv Verma, DAG, Punjab.

Mr. Vikas Parkash, Advocate, for
Mr. G.S. Virk, Advocate
for respondent No.2.

SANDEEP MOUDGIL, J (ORAL)

This is a petition under Section 482 Cr.P.C. for quashing of the judgment dated 16.11.2023 (Annexure P-7) passed by the learned Additional Sessions Judge, Ludhiana.

Both the parties are at *ad idem* that in case the trial Court is bound down to conclude the proceedings which have been remanded back for fresh adjudication.

This court cannot shut its eyes to the fact that "Speedy trial" and "fair trial" to a person accused of a crime are integral part of Article 21. There is, however, qualitative difference between the right to speedy trial and the accused's right of fair trial. Unlike the accused's right of fair trial, deprivation of the right to speedy trial does not per se prejudice the accused in defending himself. The right to speedy trial is in its very nature relative. It

depends upon diverse circumstances. Each case of delay in conclusion of a criminal trial has to be seen in the facts and circumstances of such case. Mere lapse of several years since the commencement of prosecution by itself may not justify the discontinuance of prosecution or dismissal of indictment. The factors concerning the accused's right to speedy trial have to be weighed vis-a-vis the impact of the crime on society and the confidence of the people in judicial system. Speedy trial secures rights to an accused but it does not preclude the rights of public justice. The nature and gravity of crime, persons involved, social impact and societal needs must be weighed along with the right of the accused to speedy trial and if the balance tilts in favour of the former the long delay in conclusion of criminal trial should not operate against the continuation of prosecution and if the right of the accused in the facts and circumstances of the case and exigencies of situation tilts the balance in his favour, the prosecution may be brought to an end. These principles must apply as well when the appeal court is confronted with the question whether or not retrial of an accused should be ordered."

Further reliance can be placed upon the dictum of Apex court in *Anokhilal v. State of Madhya Pradesh CRA-62-63 OF 2014 SC* wherein it has been held that "Expeditious disposal is undoubtedly required in criminal matters and that would naturally be part of guarantee of fair trial. However, the attempts to expedite the process should not be at the expense of the basic elements of fairness and the opportunity to the accused, on which postulates, the entire criminal administration of justice is founded. In the pursuit for expeditious disposal, the cause of justice must never be allowed to suffer or be sacrificed. What is paramount is the cause of justice and keeping the basic ingredients which secure that as a core idea and ideal, the process may

be expedited, but fast tracking of process must never ever result in burying

the cause of justice’’.

In view of the discussions made hereinabove, this court deems it appropriate to direct the trial court to make an endeavour to conclude the trial as expeditiously as possible, preferably, within a period of eight months from the date of receipt of a certified copy of this order. It shall be brought to the notice of the trial Court by the counsel for the petitioner.

With these observations, the present petition stands disposed of.

06.05.2024
D.Bansal

(SANDEEP MOUDGIL)
JUDGE

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