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IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-19328-2024 (O&M)
Date of Decision: 20.04.2024

SANDEEP

...Petitioner

V/S

STATE OF HARYANA

...Respondent

CORAM: HON’BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Himanshu Raj, Advocate and
Mr. Pranav Goyal, Advocate
for the petitioner.

Mr. Rishabh Singla, AAG Punjab.

HARPREET SINGH BRAR J. (Oral)

1. Prayer in the present petition filed under Section 482 of Cr.P.C. is for issuance of directions to learned Chief Judicial Magistrate, Hisar to decide the case titled as ‘*State of Haryana Vs. Sandeep*’ bearing case No. CHI-123-2018 dated 12.01.2018, under Sections 498-A, 406, 323 and 506 of Indian Penal Code arising out of the FIR No. 318 dated 02.04.2017 registered at Police Station Hisar Civil Lines District Hisar within a time bound manner.
2. Learned counsel for the petitioner *inter alia* contends that FIR(supra) was registered on 02.04.2017 and he is mainly aggrieved for the delay caused in concluding the trial. It is further contended that the first date after framing of the charges for recording of the prosecution witnesses was fixed in the year 2018 and more than 06 years have passed since then, but the prosecution has failed to make any effort to conclude the trial. Numerous opportunities have been sought by the prosecution for examination of the witnesses and complainant and her father are wilfully not appearing before the learned trial Court. However, in other proceedings initiated for claiming maintenance from the petitioner, the complainant is appearing regularly. The

delay in the trial, impedes the fundamental right of the petitioner enshrined under Article 21 of Constitution of India.

3. I have heard the learned counsel for the petitioner and gone through the record with his able assistance.

4. The foundational concept of the criminal jurisprudence is to ensure speedy trial. Hon'ble the Supreme Court has repeatedly reiterated that right to speedy trial is enshrined in Article 21 of the Constitution of India. Speedy trial would cover investigation, enquiry, trial, appeal, revision and retrial etc. i.e. everything starting with the accusation against the accused and expiring with the final verdict of the last court.

5. It has further been held in law that if a person is deprived of his liberty under a procedure which is not reasonable, fair, or just, such deprivation would be violative of his fundamental right under Article 21 of the Constitution of India. The procedure so prescribed must ensure speedy trial for determination of the guilt of such person. Some amount of denial of personal liberty cannot be avoided, but if the period of deprivation pending trial becomes excessively long.

6. In view of the above, the present petition is disposed of with liberty to the petitioner to raise all the please taken in the instant petition before the trial Court at the appropriate stage in accordance with law.

7. Learned trial Court is requested to conclude the trial of the FIR(supra), expeditiously.

8. Keeping in view the facts and circumstances of the case and in view of the ratio laid down by this court in CRM-M-25963-2023 titled as 'Suresh

1498, the personal appearance of the petitioner before the learned trial Court is ordered to be exempted, subject to the following conditions:-

- (i) petitioner shall be represented through his counsel;
- (ii) shall not delay/stall the proceedings;
- (iii) shall not dispute his identity;
- (iv) shall have no objection if the prosecution evidence is recorded in his absence but in the presence of his counsel;
- (v) shall appear before the Court as and when required; and
- (vi) any other condition, which the Court below may impose.

20.04.2024
Ajay Goswami

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No

(HARPREET SINGH BRAR)
JUDGE