

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-26078-2024 (O&M)

Date of Decision: 27.05.2024

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Hardeep Singh @ Shera

... Petitioner

VS.

State of Punjab

... Respondent

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CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

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Present: Mr. BP Singh, Advocate for the petitioner

Mr. JS Gill, Addl. AG Punjab

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**Sandeep Moudgil, J.**

(1). This petition under Section 482 CrPC has been filed by the petitioner seeking a direction to the trial court to expedite the trial in case FIR No.193 dated 17.12.2016 under Section 25 Arms Act and Sections 17/18/19/20 of UPA Act and Sections 419/120/467/468/471/120-B IPC registered at Police Station Bagha Purana, District Moga.

(2). Learned counsel for the petitioner contends that the petitioner is not named in the FIR but was later on nominated on the basis of disclosure statement of the co-accused. He further submits that the charges were framed on 12.07.2018 and even after filing of two other such petitions before this Court, out of 74 PWs only 22 witnesses have been examined yet which shows the snail pace of trial proceedings. Reliance has been placed on **Abdul Rehman Antulay & Ors. vs. RS Nayak & Anr. 1992 AIR SC 1701** to contend that where right of the accused for speedy trial has been infringed, it is open for this Court to make such other appropriate order including an order to conclude the trial within a fixed time.

(3). Heard learned counsel for the petitioner.

(4). It appears that the petitioner has, on earlier occasion, twice, had approached this Court in CRM-M-10269-2021 and CRM-M-59457-2022 with similar prayer for directing the trial court to conclude the trial in SC No.71/2018 “State vs. Taljeet Singh @ Jimmy & Ors.” wherein this Court directed the State to make every possible endeavour to produce the prosecution witnesses before the trial court.

(5). It is well accepted that delay in a criminal trial has deleterious effect on the administration of justice in which the society has a vital interest. Delay in trials affects the faith in Rule of Law and efficacy of the legal system. Notwithstanding this, it is also time and again observed by the Apex Court that the Constitutional Courts should not normally fix a time-bound schedule for disposal of cases pending in any Court. The pattern of pendency of various categories of cases pending in every Court, including High Courts, is different. The situation at the grassroots level is better known to the judges of the concerned Courts and due to huge filing and pendency, the lower Courts cannot conclude the trials within the time provided by the statutes.

(6). Therefore, the issue of giving out-of-turn priority to certain cases should be best left to the concerned Courts only. The orders fixing the outer limit for the disposal of cases should be passed only in exceptional circumstances to meet extraordinary situations.

(7). In the present case, the orders passed by this Court on two occasions shows that already the trial court has been directed to conclude the trial expeditiously. In such circumstances, it would not be in the fitness of things to issue any further directions to the trial court as to the conclusion of trial. All the grounds from either side of the litigating parties or their counsel

leading to protracted trial are the pretexts attributable to the adjournment-seekers and not to the trial judge and for this reason, it is for the lawyers in particular and the litigants in general to dwell upon those ‘grounds’ and come out with a workable solution themselves.

(8).               With these observations, this petition is dismissed.

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| 27.05.2024                    | (Sandeep Moudgil) |
| V.Vishal                      | Judge             |
| 1. Whether speaking/reasoned? | Yes/No            |
| 2. Whether reportable?        | Yes/No            |