



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

201

CRR-2321-2018

Date of Decision : **October 15, 2024**

JAGMOHAN SINGH & ANR

.....Petitioners

VERSUS

CBI CHANDIGARH

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Vijay K. Jindal, Advocate
for the petitioners.

Mr. Prateek Gupta, Advocate for
Mr. Deepak Sabharwal, Advocate for the respondent-CBI.

KULDEEP TIWARI, J. (Oral)

1. Through the instant petition, challenge is thrown to the order dated 10.4.2018, whereby, the charges have been framed against the present petitioners under Sections 420, 468, 471, 477A, 120-B IPC and under Sections 13(1) (C), 13(1)(B) read with Section 13(2) of the Prevention of Corruption Act, 1988 by the learned Special Judge, CBI, SAS Nagar, Punjab.
2. At the very outset, the learned counsel for the petitioners submits that petitioner No.2 has now died and *qua* him, the proceeding before the learned trial Court concerned has already been ordered to be *abated*.
3. Learned counsel for the petitioner in his attempt to throw challenge to the order (*supra*) submits that on the same set of allegations, the petitioner No.1 has faced the regular departmental enquiry and he was found

to be guilty of only negligence in performing his duties. He further submits that there is a considerable delay in conclusion of investigation by the CBI inasmuch as the FIR No.80 has been registered on 5.5.2009 and this case was subsequently transferred to the CBI in the year 2011 and finally the CBI has filed the final report on 20.10.2015 and the charges were framed in the year 2018, therefore, the petitioner cannot be put on trial after such a long period and infact it is the direct attack on his right to get a speedy trial, as envisaged under Article 21 of the Constitution of India.

4. This Court has considered the submissions made by the learned counsel for the petitioner but is unable to accept the same for the reasons extracted here-in-after:-

(i) It is not under dispute that the evidence which is now sought to be examined by the prosecution agency i.e. CBI is not similar to that of the evidence, which was produced during the departmental enquiry. Infact more than 200 witnesses have been cited by the CBI in its final report apart from the voluminous documentary evidence, therefore, any findings recorded in the departmental enquiry would not have any bearing upon the trial in the instant FIR, as the set of evidence, which is yet to be produced by the CBI is not similar rather different; and

(ii) in this case at the time of issuance of notice of motion, this Court had directed the learned trial Court concerned to adjourn the case beyond the date fixed before this Court. Although this interim direction was not specifically made continue in the subsequent order, however, because of this reason the trial could not proceed. Therefore, the stay, was infact

in favour of the present petitioner, and now he cannot permitted to submit that his right of speedy trial, is vitiated.

5. In view of the above, this Court does not find any merit in the instant revision petition, therefore the same is **dismissed**. However, the petitioner is at liberty to raise all such issue, which has been raised before this Court, through the instant revision before the learned trial Court concerned at an appropriate stage of the trial.

6. **Disposed** of accordingly.

7. Since the matter is pending before this Court since 2018, this Court deems it fit and appropriate to pass a mandamus upon the learned trial Court concerned, to make all efforts to examine the prosecution witnesses most expeditiously. A direction is also passed upon the Public Prosecutor, CBI to ensure the presence of all the prosecution witnesses, as and when called upon by the learned trial Court concerned.

October 15, 2024
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(KULDEEP TIWARI)
JUDGE

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