



108

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-34315-2024 (O&M)
Date of decision: 19.07.2024

Gagan Deep Singh

... Petitioner

Vs.

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Ramesh Chand Sharma, Advocate
for the petitioner.

HARPREET SINGH BRAR, J. (ORAL)

1. Present petition has been filed under Section 482 Cr.P.C. seeking issuance of direction to learned Sub Divisional Judicial Magistrate, Jagadhari, District Yamuna Nagar to expedite the proceedings arising out of FIR No.35 dated 15.02.2019 under Sections 498-A, 406, 323, 34 of IPC, registered at Women Police Station Yamuna Nagar, in a time bound manner, as final report under Section 173 Cr.P.C. was submitted on 31.07.2019 and charges were framed on 07.01.2020.
2. Learned counsel for the petitioner, *inter alia*, contends that FIR (*supra*) was registered on 15.02.2019 and after completing the investigation, the investigating agency submitted the final report under Section 173 Cr.P.C.

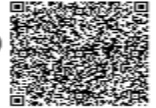


before learned trial Court on 31.07.2019 and learned trial Court framed charges on 07.01.2020 and in spite of passing of more than 04 years and 07 months, not even a single witness has been examined till date. Despite issuance of summons/bailable warrants, the complainant is not coming forward to depose before learned trial Court and in order to substantiate his claim, learned counsel for the petitioner relies upon various zimni orders (Annexure P-3) passed by learned trial Court and as such, delay in trial cannot be attributed to the petitioner and it violates fundamental right of the petitioner as enshrined under Article 21 of the Constitution of India and prays that learned trial Court be directed to conclude the trial expeditiously.

3. Learned counsel for the petitioner prays that since the petitioner is resident of Delhi and trial of the case is progressing at Jagadhari and attending trial on each and every date would cause great inconvenience and hardship to him, personal appearance of the petitioner before learned trial Court may be exempted.

4. I have heard learned counsel for the petitioner and perused the record of the case with his able assistance.

5. Keeping in view the prayer made by the petitioner and also taking into consideration the fact that in spite of passing of about 04 years and 07 months, not even a single prosecution witness has been examined, learned trial Court is directed to conclude the trial of FIR (*supra*) expeditiously preferably within a period of six months from the date of receipt of certified copy of this order.



6. Further, in view of the ratio laid down by this Court in CRM-M-25963-2023 titled as *Suresh Kumar and another Vs. The State of Haryana and another, 2023 (2) Law Herald 1498*, personal appearance of the petitioner before 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 trial proceedings;*
- iii) shall not dispute his identity as accused;*
- 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 trial Court as and when required; and*
- vi) any other condition, which the trial Court may impose.*

7. Present petition is disposed of accordingly.

[HARPREET SINGH BRAR]
JUDGE

19.07.2024
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No