



CRM-M-40345-2024

-1-

113 **IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-40345-2024
Decided on : 12.11.2024

Kuldip Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Sunil Agnihotri, Advocate
for the petitioner.

Manjari Nehru Kaul, J.(Oral)

1. This is a petition filed by the petitioner seeking issuance of directions to learned Addl. District & Sessions Judge, Hoshiarpur in case FIR No.23 dated 23.02.1997 under Sections 364/324/323/34 IPC registered at Police Station Tanda District Hoshiarpur to decide and conclude the trial expeditiously.

2. Learned counsel for the petitioner has argued that a compromise was effected between the complainant and one of the co-accused Kuldeep Singh. In furtherance of this compromise, the grandson of the complainant furnished a no-objection affidavit. It is further submitted that the petitioner has been residing in Canada since the year 1997 and subsequently acquired Canadian Citizenship. Learned counsel has also contended that the petitioner



was declared a proclaimed offender without adhering to the mandatory provisions requiring service at his foreign address.

3. Learned counsel has further submitted that the petitioner was under the bona fide belief that he had been acquitted, as he was informed that, pursuant to the compromise, all the accused persons had been discharged. Acting on this belief, the petitioner did not pursue the case actively. However, as per the directions of this Court, the petitioner later surrendered before the learned trial Court.

4. Learned counsel emphasises that despite the surrender by the petitioner on 07.02.2023, the trial has been inordinately delayed. Even after the passage of more than a year, the prosecution has failed to produce any evidence. The petitioner, being a Canadian Citizen, is enduring considerable difficulties due to the pendency of trial in India. Learned counsel further submits that since the co-accused have already been acquitted, it is highly probable that the petitioner will also be acquitted. In light of these circumstances, learned counsel for the petitioner prays for directions to expedite the proceedings before the learned trial Court.

5. I have heard learned counsel for the parties and perused the material placed on record.

6. Constitutional Courts should ordinarily refrain from prescribing specific timeframes for the disposal of cases pending



CRM-M-40345-2024

-3-

before the Subordinate Courts. Such directions should be issued in rare and in exceptional cases.

7. The prioritization and management of pending cases should be left to the discretion of the concerned trial or subordinate courts. Directions from higher courts to prioritize certain cases may interfere with the effective management of court's docket.

8. In the case of ***High Court Bar Association Allahabad vs. State of Uttar Pradesh and others, 2024 INSC 150*** Hon'ble the Supreme Court emphasized that Constitutional Courts should exercise restraint in issuing time-bound directions unless the circumstances warrant exceptional intervention.

9. It would be apposite to reproduce the relevant observations made by Hon'ble the Supreme Court in *High Court Bar Association Allahabad's case(supra)*, which is as under:

"37(c) Constitutional Courts, in the ordinary course, should refrain from fixing a time-bound schedule for the disposal of cases pending before any other Courts. Constitutional Courts may issue directions for the time-bound disposal of cases only in exceptional circumstances. The issue of prioritising the disposal of cases should be best left to the decision of the concerned Courts where the cases are pending."

10. In the light of the authoritative observations by Hon'ble the Supreme Court, this Court does not find it appropriate to issue directions for expediting the trial, which is pending against the petitioner



CRM-M-40345-2024

-4-

before the Trial Court. The prayer made by the petitioner for such time-bound directions is not justified under the circumstances presented.

11. As a sequel to the above, the present petition being devoid of any merit, stands dismissed. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

12.11.2024
sonia

(MANJARI NEHRU KAUL)
JUDGE

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