



CRM-M-40308-2024

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

(130)

CRM-M-40308-2024

Date of Decision : 12.12.2024

Gautam Verma and others

...Petitioners

Versus

State of Haryana

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Kuldeep Sheoran, Advocate
for the petitioners.

Mr. Rajesh Gaur, Addl. AG, Haryana.

KULDEEP TIWARI, J.(ORAL)

1. Through the instant petition, filed under Section 528 of the BNSS, 2023 (erstwhile Section 482 of Cr.P.C.), a prayer is made for issuance of mandamus upon the learned trial Court concerned, to conclude the trial in case FIR No.255 dated 21.06.2019, under Sections 323, 34, 342 and 506 of the IPC, 1860, registered at Police Station Sector-40, Gurugram, District Gurugram, in a time bound manner.

2. This Court, vide order dated 21.08.2024, had directed the respondent-State of Haryana, to file a status report/reply, disclosing therein, the status of the trial.

3. In deference to the directions (supra), issued by this Court, Status report dated 30.11.2024, by way of affidavit of Mr. Virender Singh, HPS, Assistant Commissioner of Police (East), Gurugram, on behalf of the respondent-State of Haryana, furnished by learned State counsel today in the Court. The same is taken on the record. Copy thereof, supplied to learned



counsel for the petitioners.

4. This Court has perused the status report. As per the status report (supra), the private witness namely, Ankit Dua and Love Dua, have been avoiding the service of summons, since the inception of the trial. The other official witnesses, though has been summoned once, but they did not cause appearance.

5. Considering the status of the trial and the fact that the witnesses have not been summoned, including theailable warrants and non-ailable warrants issued against the witnesses, were not executed, in time, this Court deems it appropriate to pass a mandamus, upon the learned trial Court concerned, to make earnest efforts to conclude the proceedings/trial expeditiously. Further, a direction is passed upon the Commissioner of Police, Gurugram, to ensure the execution of the summons, upon the private witnesses, as well as the official witnesses, and also to ensure the presence of the witnesses, as and when, called by the learned trial Court concerned.

6. The instant petition is **disposed of** accordingly.

(KULDEEP TIWARI)
JUDGE

December 12, 2024
Manpreet

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