



CRM-M-42167-2024

-2-

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARHSr. No.128

CRM-M-42167-2024

Date of decision : 03.12.2024

PRABHJOT SINGH ALIAS JYOTI

..... Petitioner

VERSUS

STATE OF PUNJAB

..... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Mohinder Kumar, Advocate
for the petitioner.

Mr. Gurpartap Singh Bhullar, AAG, Punjab.

KIRTI SINGH, J. (Oral)

This petition under Section 529 read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed seeking directions to the learned trial Court, to expedite the proceedings/trial and to pronounce judgment expeditiously and within a reasonable time frame in Sessions Case bearing No. CIS No. SC/72/2019 titled "*State of Punjab Vs. Hardeep Singh, etc.*," in FIR No. 75 dated 06.12.2017 (Annexure P-1), registered under Sections 302, 120-B, 148, 149, 506 of the IPC and Section 25 of the Arms Act, 1959 at Police Station Garhdiwal, District Hoshiarpur, Punjab.

2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the FIR and has no direct involvement in the alleged crime, as no eyewitness testimony or material evidence links him to the incident. The sole allegation against the petitioner is of conspiracy, without any evidence to substantiate the same. At the time of the alleged occurrence, the petitioner was not in India but was in the UAE, and the

**CRM-M-42167-2024****-2-**

prosecution has failed to establish his presence at the scene or his involvement in the alleged conspiracy. Furthermore, the petitioner has been in custody since his arrest on 07.02.2019, and despite being detained for over 5½ years, no recovery has been made from him. A supplementary challan was filed against the petitioner on 13.03.2019, but no significant progress has been made in the trial. The Sessions Case No. SC/72/2019 has been pending since 2019, with charges being framed on 11.11.2021, but despite the lengthy period, the trial has been delayed due to frequent adjournments and delays. The matter is pending for arguments since March, 2024 and the case has been adjourned 17 times, depriving the petitioner of his right to a speedy trial.

3. Learned State counsel has not disputed the submissions made by the learned counsel for the petitioner regarding the delay in the trial and the need for expeditious proceedings.

4. Heard.

5. Having considered the submissions of both parties and the facts of the case, this Court finds that the trial in the present case has been unnecessarily delayed, which has caused significant prejudice to the petitioner. The right to a speedy trial is a constitutional right and is guaranteed under Article 21 of the Constitution of India.

6. In light of the above, this Court directs the learned trial Court to expedite the proceedings in the aforesaid case and ensure that the trial is concluded expeditiously, preferably within a period of one month from the date of receipt of this order. The learned trial Court shall avoid unnecessary

adjournments and take all possible measures to ensure the timely conclusion of the trial.

7. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case.
8. The petition is disposed of in the above terms.

(KIRTI SINGH)
JUDGE

03.12.2024
Kavita

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