



108

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-43318-2024 (O&M)
Date of decision: 03.09.2024

Amandeep

... 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.

Ms. Geeta Sharma, DAG, Haryana.

HARPREET SINGH BRAR, J. (ORAL)

1. Present petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking issuance of direction to learned CJ(SD)/RC/ACJM, Jagadhri, District Yamuna Nagar to expedite the proceedings arising out of FIR No.817 dated 23.11.2020 under Sections 323, 406, 498-A, 506 of IPC, registered at Police Station Jagadhri City, District Yamuna Nagar, in a time bound manner, as final report under Section 173 Cr.P.C. was submitted on 02.05.2021 and charges were framed on 06.07.2021.
2. Learned counsel for the petitioner, *inter alia*, contends that FIR (*supra*) was registered on 23.11.2020 and after completing the investigation,



the investigating agency submitted the final report under Section 173 Cr.P.C. before learned trial Court on 02.05.2021 and learned trial Court framed charges on 06.07.2021 and in spite of passing of more than 03 years and 02 months, the prosecution has failed to conclude its evidence and the case is still pending for decision on the application under Section 319 of the Code of Criminal Procedure, 1973 and more than 07 dates have been taken. 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 District Kapurthala, Punjab and trial of the case is progressing at Jagadhri, District Yamuna Nagar, Haryana 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. Learned State counsel submits that no prejudice would be caused to respondent No.2, in case personal appearance of the petitioner is exempted.

5. I have heard learned counsel for the parties and perused the record of the case with their able assistance.

6. Keeping in view the fact that after framing of charges on 06.07.2021, the prosecution has failed to conclude its evidence, learned trial Court is directed to conclude the trial of FIR (*supra*) expeditiously preferably



within a period of one year from the date of receipt of certified copy of this order.

7. Further, keeping in view the fact that the petitioner is resident of District Kapurthala, Punjab and trial of FIR (*supra*) is progressing at Jagadhri, District Yamuna Nagar, Haryana, therefore, 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.*

8. Present petition is disposed of accordingly.

[HARPREET SINGH BRAR]
JUDGE

03.09.2024
vishnu

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No