

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

219-CRM-M-44667-2024

Decided on 25.09.2024

Anil

... Petitioner

VS.

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. Ritesh Goyal, Advocate for
Mr. Sahil Chaudhary, Advocate for the petitioner

Mr. BS Virk, Sr.DAG Haryana

Sandeep Moudgil, J.

The petitioner has filed the present petition under Section 483 CrPC seeking regular bail in case FIR No.464 dated 27.07.2018 under Sections 148/149/216/302/506/120-B IPC and Sections 25/45/59 of Arms Act, registered at Police Station Samalkha, District Panipat.

Learned State counsel has filed custody certificate dated 24.09.2024 which is taken on record. According to it, the total sentence undergone by the petitioner, pending trial, is 5 years 11 months 28 days and after filing of challan on 31.10.2018 and framing of charges on 10.05.2019, a total of 9 PWs out of 28 witnesses have been examined so far.

Faced with this and after arguing for some time, learned counsel for the petitioner prays for withdrawal of the present petition at this stage. However, he submits that a direction be issued to trial Court to expedite the trial.

Prayer is accepted.

Dismissed as withdrawn, at this stage.

This court cannot shut its eyes to the fact that "Speedy trial" and "fair trial" to a person accused of a crime are integral part of Article 21. There is, however, qualitative difference between the right to speedy trial and the accused's right of fair trial. Unlike the accused's right of fair trial, deprivation of the right to speedy trial does not *per se* prejudice the accused in defending himself. The right to speedy trial is in its very nature relative. It depends upon diverse circumstances. Each case of delay in conclusion of a criminal trial has to be seen in the facts and circumstances of such case. Mere lapse of several years since the commencement of prosecution by itself may not justify the discontinuance of prosecution or dismissal of indictment. The factors concerning the accused's right to speedy trial have to be weighed vis-a-vis the impact of the crime on society and the confidence of the people in judicial system. Speedy trial secures rights to an accused but it does not preclude the rights of public justice. The nature and gravity of crime, persons involved, social impact and societal needs must be weighed along with the right of the accused to speedy trial and if the balance tilts in favour of the former the long delay in conclusion of criminal trial should not operate against the continuation of prosecution and if the right of the accused in the facts and circumstances of the case and exigencies of situation tilts the balance in his favour, the prosecution may be brought to an end. These principles must apply as well when the appeal court is confronted with the question whether or not retrial of an accused should be ordered."

Further reliance can be placed upon the dictum of Apex court in **Anokhilal v. State of Madhya Pradesh CRA-62-63 OF 2014 SC** wherein it has been held that "*Expeditious disposal is undoubtedly required in criminal*

matters and that would naturally be part of guarantee of fair trial. However, the attempts to expedite the process should not be at the expense of the basic elements of fairness and the opportunity to the accused, on which postulates, the entire criminal administration of justice is founded. In the pursuit for expeditious disposal, the cause of justice must never be allowed to suffer or be sacrificed. What is paramount is the cause of justice and keeping the basic ingredients which secure that as a core idea and ideal, the process may be expedited, but fast tracking of process must never ever result in burying the cause of justice”.

In view of the discussions made hereinabove, this Court deems it appropriate to direct the trial court to make an endeavour to conclude the trial within a period of one year from the receipt of certified copy of this order.

25.09.2024
V.Vishal

- 1. Whether speaking/reasoned?
- 2. Whether reportable?

(Sandeep Moudgil)
Judge

Yes/No
Yes/No