



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

CRM-M-46857-2024

Date of decision: 19.09.2024

Lakhwinder Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Ramesh Sharma, Advocate for the petitioner.

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed by the petitioner/complainant under Section 528 of BNSS 2023 seeking directions to the trial Court i.e. Court of Additional Sessions Judge, Patiala to expedite the proceedings in the trial of criminal case having FIR No.11 dated 02.02.2020, registered under Sections 306, 201 IPC, Police Station GRP, Patiala wherein challan was presented on 28.10.2020 and charges were framed against respondents No.2 and 3 vide order dated 16.03.2021 Annexure P-2.

2. Counsel for the petitioner submits that the examination in chief of petitioner was recorded for 13.12.2021 and his cross examination was deferred and the petitioner was bound for 11.02.2022. The petitioner is regularly appearing in the trial Court on each and every date of hearing for his cross examination but same is being deferred from time to time, on the request of defence counsel. This amounts to unnecessary harassment to the petitioner. The cross examination of the petitioner has not been completed even till date and now the trial is fixed for 10.10.2024.

3. Notice of motion.

4. Mr. J.S. Dhaliwal, AAG, Punjab, accepts notice on behalf of the State and submits that trial is going on and already two witnesses are



examined. However, the State counsel has not disputed the fact that cross examination of the petitionr has not been concluded till date.

5. The Hon’ble Supreme Court in case of *M. Gopalakrishanan and others Vs. Pasumpon Muthuramalingam and another 2024 (1) RCR Criminal 864* held that directions by Higher Court to Lower Court to expedite the trial not to be ordinarily issued, keeping in mind the fact that such direction might upset the schedule of the trial Court, might result in assigning an unwarranted priority to that particular case over and above other cases pending in the said Court and progression of such other cases might suffer for no reason and none of the faults of the litigants involved therein.

6. In the light of the aforesaid decision rendered by the Hon’ble Supreme Court, no such direction as has been sought by the petitioner seeking expeditious disposal of the case in a time bound manner can be given.

7. However, taking into consideration the fact that cross examination of the petitioner is pending for the last three years, the trial Court is hereby directed to make sincere efforts to conclude the cross examination of petitioner on the next date fixed in the trial. The trial Court should also make earnest efforts to examine the other material witnesses, with further request to dispose of the trial at the earliest without granting unnecessary adjournments at the instance of the accused/defence counsel.

8. The present petition is disposed of.

19.09.2024

Yogesh

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned:-
Whether reportable:-

Yes/No
Yes/No