



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

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CRM-M-49108-2024

Date of Decision : **November 26, 2024**

UNION OF INDIA

.....Petitioner

VERSUS

AKSHAY KUMAR CHABBRA ALIAS HARRY CHHABRA ALIAS
BABLU AND ORS

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Sourabh Goel, Advocate/Sr. Panel Counsel
for the petitioner.

KULDEEP TIWARI, J. (Oral)

1. Through the instant petition, as instituted under Section 528 of the B.N.S.S., 2023, a prayer is made for issuance of directions upon the learned trial Court concerned to, in view of the peculiar nature of the case at hand, expedite the trial proceedings in NDPS Case No.602 of 2023, in NCB Crime No.79/2022, inasmuch as, where a huge quantity of contraband i.e. approx. 40 kgs of heroin, and other narcotics, has been recovered from the heart of City Ludhiana.

2. The learned counsel for the petitioner submits that, in the instant matter, Final Report has already been presented against 20 accused, who are behind the bars, and one accused has fled to abroad (Dubai). Moreover, there are chances of many more persons becoming arraigned as an accused during the course of investigation.

3. The learned counsel for the petitioner further submits that, despite of sufficient time has passed since the framing of the charges, yet only 03 witnesses, out of total 99 prosecution witnesses, have been examined till date. He submits that they are ready and willing to cooperate with the learned trial Court concerned and to lend it every possible support, by ensuring presence of the summoned prosecution witnesses before the learned trial Court concerned for examination.

4. In view of the above submissions, this Court by drawing an order dated 30.9.2024, had sought the report from the learned trial Court concerned, disclosing therein, the expected time for conclusion of the prosecution evidence.

5. In deference to the directions (supra), the learned trial Court concerned has sent its report dated 25.11.2024. The report (supra), reflects that the learned trial Court concerned is burdened with heavy docket, as there are 2520 cases pending, including 207 Sessions trials, and 522 of NDPS trials. It further reflects that total 104 witnesses have been cited by the petitioner/prosecution agency and there are 20 accused, which are being represented by 11 different lawyers. However, despite all the above difficulties, the learned trial Court concerned has informed this Court that the conclusion of trial of the above 20 accused is likely to take a period of about two years.

6. In view of the above specific factual report submitted by the learned trial Court concerned, this Court deems it fit and appropriate to **dispose** of the instant petition with a mandamus upon the learned trial Court

concerned, to make all its endeavor to record the entire prosecution evidence preferably within two years from today, considering the gravity of the offence. A direction is also passed upon the prosecution agency i.e. NCB to ensure the presences of all the witnesses before the learned trial Court concerned as and when called upon. Further mandamus is also passed upon all the Jail Superintendents concerned to ensure the presence of each and every accused, on each and every date, either through physical or through virtual platform without any further lapse.

7. Let a copy of this order be sent to all concerned i.e. the learned trial Court concerned, NCB, and all Jail Superintendents concerned, for making its compliance of the directions (supra).

November 26, 2024
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No