



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

CRM-M-50305-2024
Date of decision: 11.11.2024

Balwinder Singh @ Binda

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. J.S. Dadwal, Advocate for the petitioner.

Mr. J.S. Dhaliwal, AAG, Punjab.

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed by the petitioner under Section 528 of BNSS 2023 seeking directions to the trial Court to decide the trial in criminal case having FIR No.22 dated 04.04.2019 under Sections 302 read with Section 34 IPC, Police Station Shahpur Kandi, District Pathankot in an expeditious manner.

2. The counsel for the petitioner inter alia submits that on completion of investigation, the challan was presented against the petitioner in aforesaid criminal case on 27.09.2019 and thereafter, charges were framed on 21.01.2020 and till date prosecution is unable to conclude its evidence. So, prayer is made that necessary direction be given to the trial Court to decide the case, expeditiously.

3. On the last date of hearing, State counsel was directed to seek necessary instructions regarding the status of the trial.

4. Today, the State counsel on instructions from ASI Balwinder



Kumar apprised the Court that till date, prosecution is able to examine 9 out of total 25 witnesses and 3 witnesses are given up and 13 other witnesses remain to be examined on behalf of prosecution.

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 light of the aforesaid decision rendered by the Hon'ble Supreme Court, the present petition is hereby disposed of without issuing any specific directions to the trial Court to decide the criminal case in a time bound manner. However, request is made to the trial Court to make sincere efforts to procure the presence of un-examined prosecution witnesses and to examine them while taking into notice, the provision of Section 309 Cr.P.C (Section 346 of BNSS 2023) and to dispose of the trial, at the earliest without granting unnecessary adjournments to the prosecution.

11.11.2024

Yogesh

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned:-
Whether reportable:-

Yes/No
Yes/No