



CRM-M-56240-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(115)

CRM-M-56240-2024
Date of Decision : 13.11.2024

Rajinder Singh @ Robin ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Malkiat Singh Hundal, Advocate
for the petitioners.

Mr. Sahil R. Bakshi, AAG, Punjab.

KULDEEP TIWARI, J.(ORAL)

1. Through the instant petition, filed under Section 528 of BNSS, 2023, a prayer is made for issuance of a mandamus, upon the respondent-State of Punjab, to expedite the conclusion of the trial, in case FIR No.243 dated 09.09.2022 (Annexure P-1), under Sections 379 and 411 of the IPC, 1860, registered at Police Station Jandiala, Amritsar (Rural), Punjab.
2. On asking for the relief (supra), while referring to the order dated 01.09.2023 (Annexure P-5), learned counsel for the petitioner submits that no PW was present on the said date, despite being summoned by the learned trial Court concerned, on various occasions. Even, the learned trial Court concerned, was forced to issue the non-bailable warrants, against the witnesses mentioned at Sr. Nos.1, 2, 4, 5 and 6.
3. Further, perusal of the order dated 01.09.2023 (Annexure P-5), reflects that even, the prosecution agency has failed to execute the non-bailable warrants.

4. In view of the above situation, where, the prosecution agency has remained incapable/indolent, in performing their official duty, this Court, deems it apt to pass a mandamus upon the Senior Superintendent of Police concerned, to ensure the presence of all the witnesses, on the next date of hearing, before the learned trial Court concerned, who have been summoned through non-bailable warrants.
5. In case of non-compliance of the directions (supra), the petitioner is at liberty to re-access this Court, for the relief, as cast in the instant petition. Accordingly, the instant petition is **disposed of**, with the aforesaid directions.
6. Let a copy of this order be conveyed forthwith to the Senior Superintendent of Police concerned, for its meticulous compliance.

(KULDEEP TIWARI)
JUDGE

November 13, 2024
Manpreet

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No