

2024:PHHC:155597



121

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

CRM-M-56199-2024

DATE OF DECISION: 25.11.2024

RAHAMDEEP SINGH SEHGAL

...PETITIONER

Versus

UNION TERRITORY OF CHANDIGARH AND ANR

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Mayank Garg, Advocate for the petitioner(s).
Mr. Vipul Jindal, Addl. PP, UT Chandigarh.

SANDEEP MOUDGIL, J (ORAL)

This petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita (BNSS) praying for quashing of the FIR bearing no. 249 (Annexure P-1) dated 13.09.2019 registered under sections 279, 337 and 338 (added later on) IPC at Police Station 03, Chandigarh, impugned Chargesheet dated 12.10.2020 (Annexure P-2) and impugned Order dated 17.12.2020 (Annexure P-3) passed by the ACJM Chandigarh, thereby framing charges against the petitioner under sections 279, 337 and 338 IPC.

2. 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, as charges have been framed on 12.10.2020 and after



CRM-M-56199-2024

-2-

four years, out of total 12 prosecution witnesses only 1 prosecution witness has been examined as conveyed by learned Counsel for UT.

3. 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



CRM-M-56199-2024

-3-

not retrial of an accused should be ordered."

4. 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".

5. In view of the discussions made hereinabove and however, keeping in view the stage of trial, 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 date of receipt of certified copy of this order.

6. Prayer is accepted.

7. Dismissed as withdrawn at this stage.

(SANDEEP MOUDGIL)
JUDGE

25.11.2024

<i>anuradha</i>	<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
	<i>Whether reportable</i>	<i>Yes/No</i>