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

CRM-M-5756-2025

Date of decision: 31.01.2025

Gurinder Singh

....Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. Parunjeet Singh, Advocate
for the petitioner.

Mr. Subhash Godara, Addl.A.G., Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. The present petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 (earlier Section 482 Cr.P.C.) seeking issuance of appropriate direction to the learned trial Court to conclude the trial of case bearing No.CHI/44/2024 titled as 'State of Punjab Vs. Gurinder Singh alias Ginda' in FIR No.351 dated 09.12.2020 under Sections 387 of IPC and Section 66A of the IT (Amendment) Act, 2008 (now deleted) registered at Police Station Civil Lines, District Amritsar (Annexure P-1) in a time bound manner preferably within a period of six months.

2. Briefly, the facts of the case are that respondent No.2, namely, Sudha Bhandari, lodged the FIR (*supra*) against one unknown person pertaining to the incidents which have allegedly taken place from 25.10.2020 to 17.11.2020. It is further alleged that the unknown person called respondent No.2 numerous times and when respondent No.2 picked up the call, he asked her about the theft which took place earlier in her home and enquired about her



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son, namely, Rohit, and demanded ransom of Rs.5 crore from him and also extended threats to her that he will kill her son.

3. Learned counsel for the petitioner submits that the petitioner has no concern with the commission of alleged offence and he has been falsely implicated in the present case on the basis of disclosure statement made by one of the co-accused, namely, Dipanshu Dhir. It is further contended that the FIR (*supra*) is pending for the last more than 04 years and it violates the fundamental right of the petitioner as enshrined under Article 21 of the Constitution of India, which ensure speedy trial and the same is implicit in its broad sweep.

4. Per contra, the learned State counsel submits that the investigation of the case has been completed and the challan has already been presented on 08.01.2024.

5. Having heard learned counsel for the parties and after perusing the record of the case with their able assistance, present petition is taken up for final disposal.

6. The fundamental principle of criminal jurisprudence is to ensure a speedy trial, as enshrined in Article 21 of the Constitution of India. The Hon'ble Supreme Court has repeatedly reaffirmed that the right to a speedy trial is an essential facet of the fundamental right to life and liberty, encompassing every stage of the criminal process, from investigation to the final verdict. A delayed trial, resulting in prolonged deprivation of liberty, violates the mandate of fairness, reasonableness, and justice as established in ***Maneka Gandhi Vs. Union of India, 1978 (1) SCC 248*** and reiterated in landmark cases such as ***P. Ramachandra Rao Vs. State of Karnataka, 2002 (4)***



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SCC 578, Hussainara Khatoon Vs. Home Secretary, State of Bihar, (1980) (1) SCC 81, and Abdul Rehman Antulay Vs. R.S. Nayak, 1992 (2) R.C.R. (Criminal) 634. However, while expeditious adjudication is crucial, the fundamental principles of justice cannot be sacrificed at the altar of speed. The maxim "*justice hurried is justice buried*" serves as a reminder that a fair trial must not be compromised in the quest for efficiency. A delicate balance must be maintained between the urgency of resolving cases and adherence to due process, ensuring that the legal system fulfils its ultimate objective i.e. delivering complete and meaningful justice to all. Since the right to a speedy trial is inherently context-driven, it cannot be reduced to rigid time frames but must instead be assessed in light of fairness, reasonableness, and the interests of justice.

7. In view of the discussion above, the present petition is hereby dismissed.

(HARPREET SINGH BRAR)
JUDGE

31.01.2025

Neha

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