



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

CRM-M-9180-2025 (O&M)

Date of Decision: 27.02.2025

Sarabjit Singh @ Raja

...Petitioner

VS.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present: Mr. Manjinder Singh Saini, Advocate
for the petitioner.

Mr. M.S. Bajwa, DAG, Punjab.

N.S.Shekhawat J. (Oral)

CRM-7934-2025

Application is allowed as prayed for, subject to just all exceptions.

Main case

1. The petitioner has filed the present petition under Section 528 of B.N.S.S with a prayer to quash the order dated 19.01.2025 (Annexure P-3), passed by the Judge, Special Court, Hoshiarpur, whereby the bail of the petitioner was cancelled and the bail bonds and surety bonds were ordered to be forfeited to the State and the petitioner was ordered to be summoned through non-bailable warrants of arrest.

2. During the course of hearing, learned counsel for the petitioner has placed on record the various zimni orders passed by the Trial Court. From a perusal of the various zimni orders passed by the Trial Court, it is apparent that applications for exemption from personal appearance have been moved on

several occasions by different accused in systematic manner and a concerted effort has been made by the accused in the present case to delay the trial. It is shocking to note that the challan was presented before the Trial Court on 26.05.2021 and even after a lapse of about 03 years and 09 months, the trial has not made any headway in the present case. Even it is apparent that the local police officials have colluded with the accused in the present case. It is apparent that despite issuance of warrants of arrest, the police officials are not appearing before the Court as witnesses in the present case. It also proves that the police officials seem to be under some hidden pressure or they are hand in glove with the accused in the present case. Apart from that, even the jail authorities are sometimes not producing the accused before the Trial Court, which has further aggravated the situation and has led to delay in conducting the trial by the Trial Court. Overall it can be stated that the present case is a conspicuous example, wherein, accused, jail authorities and police have collectively ensured that the trial before the Trial Court does not progress at all. It is also shocking to note that in an FIR which registered as long as back on 23.10.2020, investigation is still pending before the police and the last challan was presented on 24.01.2024. This also shows that there is lack of supervision on the part of the senior police officers in District Hoshiarpur. Even, the senior police officers have not been able to ensure the presence of witnesses from the police to appear before the Trial Court.

3. Even, the Trial Court seems to have adopted a very casual approach in conducting the trial in the present case. In case, any witness or accused does not appear before the Trial Court, the coercive process must be issued to ensure that the witnesses/accused appear before the Trial Court. In the

present case, apparently, for the last about 03 years and 09 months, there has been no progress in the trial and in routine, the orders have been passed by the Trial Court.

4. Consequently, the police authorities are directed to ensure that all the witnesses, all the police officials, who are witnesses in the present case, appear in time before the Trial Court on receipt of summons only. Even the jail authorities are directed to produce the accused on time, when the case is listed before the Trial Court. Even, the Trial Court is directed to be careful in conducting the trial in the present case.

5. A copy of this order be sent to DGP, Punjab, ADGP(Jails) Punjab as well as Sessions Judge, Hoshiarpur for looking into the matter and to take necessary action in this regard.

6. In view of above, the present petition is ordered to be dismissed.

27.02.2025
hitesh

(N.S.SHEKHAWAT)
JUDGE

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