



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

CRM-M-10042-2025

Date of Decision: 21.02.2025

Beant Singh and Anr.

...Petitioners

vs.

State of Punjab

...Respondent

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

Present: Mr. Abhay Gupta, Advocate
for the petitioner.

Mr. I.P.S Sabharwal, DAG, Punjab.

Mr. Navraj Singh Mahal, Advocate
for respondent No.2.

N.S. Shekhawat J. (Oral)

1. The petitioners have filed the present petition under Section 528 of B.N.S.S with a prayer to direct the Court of Judicial Magistrate Ist Class, Ludhiana to conclude the trial in a case arising out of FIR No.162, dated 07.12.2022, under Sections 341,323,506 and 509 read with Section 34 of IPC in a time bound manner.

2. Learned counsel for the petitioners contend that the petitioner No.1 is a citizen of United States of America and is aged about 72 years. He further contends that even two sons and other family members of the petitioner No.1 are settled in U.S.A and he was temporarily living with his son i.e. petitioner No.2 at the time of alleged incident. The petitioners were falsely involved in a case arising out of FIR No.162, dated 07.12.2022, under Sections 341,323,506 and 509 read with Section 34 of IPC, Police Station Koom Kalan, District

Ludhiana (Annexure P-2). After completion of the investigation, the challan was presented against the petitioners on 01.08.2023 and charge was framed by the Trial Court against the petitioners on 19.08.2023. After framing of the charge, the case has been listed for prosecution evidence on several occasions, but the prosecution witnesses are not appearing before the Trial Court intentionally. By referring to the zimni order (Annexure P-6), learned counsel submits that even non-bailable warrants have been issued against the prosecution witnesses mentioned at serial No.2 to 4. This clearly establishes that all the prosecution witnesses are making every effort to delay the trial. Learned counsel further contends that non-bailable warrants were issued against prosecution witnesses at serial No.2 to 4 on 23.09.2024,16.10.2024,12.11.2024 and 03.12.2024. However, two prosecution witnesses i.e PW-2 and PW-4 had given up by the prosecution witnesses on 20.01.2025. He further contends that keeping in view the attempts made by the prosecution to delay the trial, some directions may be issued to the Trial Court to conclude the trial within a stipulated time period.

3. On the other hand learned counsel appearing on behalf of respondent No.2/complainant submits that ordinarily this Court should not issue directions to the lower Courts to expedite the trial. He further contends that the prosecution shall conclude the trial expeditiously.

4. I have heard the learned counsel for the parties and perused the record carefully.

5. From the record, it is evident that the petitioner No.1 is a citizen of United States of America and is aged about 72 years. Even, two sons and other family members of the petitioner No.1 are stated to be residing in United States

of America. Further, from the record it is apparent that the prosecution witnesses are intentionally not appearing before the Trial Court, despite receipt of summons and the Trial Court had to issue non-bailable warrants against them repeatedly. This proves that there is an attempt on the part of the prosecution to delay the trial in the present case.

6. Consequently, the Trial Court is directed to expedite the trial in the present case and to conclude the same within a period of 01 year and 03 months from today, in accordance with law.

7. Petition stands disposed of.

21.02.2025
hitesh

(N.S.SHEKHAWAT)
JUDGE

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