



CRM-M-27239-2025 (O&M)

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

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CRM-M-27239-2025 (O&M)

Date of Decision: 19.05.2025

Lakhwinder Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present:- Mr. Jasinder Singh Thind, Advocate for the petitioner.

KIRTI SINGH, J.(Oral)

The instant petition under Section 528 of Bhartiya Nagarik Suraksha Sanhita, 2023, has been filed seeking direction to the learned Trial Court to conclude the trial in time bound manner in case FIR No.8 dated 02.02.2016, under Sections 406, 498-A and 420 IPC, registered at Women Police Station, District Amritsar.

2. Learned counsel for the petitioner submits that above stated FIR was lodged on the basis of a complaint made by the complainant/respondent No.2. During investigation, the other co-accused was found innocent except the petitioner and one Kashmir Singh. Learned counsel submits that after lodging of the FIR, the complainant obtained divorce from the petitioner from the Court of Queen's Bench Alberta Edmonton vide judgment dated 03.01.2017 (Annexure P-2). Thereafter, the complainant Rupinder Kaur solemnized her second marriage on 06.02.2017 also has two children from the wedlock. It has been argued



that despite the summons having been issued several times, the complainant is yet to record her statement before the learned trial Court, even despite being she also present in India on various occasions in the years 2019, 2022 and in 2023. He submits that the petitioner is regularly paying maintenance to their daughter to the tune of 265 dollar per month, who is residing at Canada in the care and custody of her mother. Learned counsel submits that the petitioner has been facing trial since 2016 when the FIR was lodged. The challan in the present case was presented on 15.11.2016 and charges were framed on 29.05.2024. Out of 11 prosecution witnesses, only 5 have been examined and one has given up. Learned counsel has also placed reliance upon the *zimini* orders to show that various opportunities have been taken by the prosecution side to complete evidence. Now non bailable warrants have also been issued to the remaining witnesses.

3. Notice of motion.

4. At the asking of the Court, Ms. Guramrit Kaur, DAG, Punjab, accepts notice on behalf of respondent No.-1-State. She on instructions submits that challan was presented on 15.11.2016 and charges have been framed on 29.05.2024. Out of 11 witnesses, only 5 have been examined and one has given up till date.

5. I have heard the submissions made by the learned counsel for the parties and perused the record.

6. Right to speedy trial is one of the cornerstones of criminal jurisprudence. Though it is vital in every criminal proceeding to accord a



fair opportunity to all sides to present evidence and establish their contentions, however at the same time, Courts must be cautioned against prolonged proceedings, lest the process itself becomes a punishment.

7. In view of the above and without going into the merits of the case, the present petition is disposed of with direction to learned Trial Court concerned to conclude the trial expeditiously within a period of six months, in accordance with law,

(KIRTI SINGH)
JUDGE

19.05.2025
Kapil

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