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

**CRM-M-36451-2025
DECIDED ON: 14.07.2025**

**MANINDER SINGH ALIAS ARJAN SINGH BENIPAL
.....PETITIONER**

VERSUS

**STATE OF PUNJAB
.....RESPONDENT**

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Munish Garg , Advocate
for the petitioner.

Mr. Jasjit Singh Rattu, DAG Punjab

SANDEEP MOUDGIL, J (ORAL)

This is petition under Section 528 of BNSS, 2023 for issuance of necessary directions to the learned Trial Court, Barnala to conclude the trial within time bound manner in case CNR No.PBBR03- 001640-2023, bearing No. CHA-83-2023 arising out of FIR No.515 dated 16.11.2022 under Sections 52-A of Prison Act registered at police station City, District Barnala which is now fixed for 02.09.2025, as the case has been continuously adjourning since 16.03.2023 for production warrants, which can be reflected from the zimni orders dated 15.03.2023 to 06.06.2025 (Annexure P-2).

Learned counsel for the petitioner submits that in the present case, the challan was presented on 15.03.2023, and the charges were framed on 18.12.2023. However, despite the considerable passage of time, not a single prosecution witness has been examined to date, and the trial has not progressed. To

substantiate this submission, learned counsel has placed on record the interim (zimni) orders passed between 15.03.2023 and 06.06.2025, which are annexed collectively as Annexure P-2.

Heard learned counsel for the petitioner.

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 not retrial of an accused should be ordered."

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".

Having regard to the peculiar facts and circumstances of the case, this Court is of the considered view that it is a fit case where the indulgence of this Court is warranted. Accordingly, this Court deems it appropriate to direct the learned trial Court to make all possible endeavours to expedite the proceedings and conclude the trial within a period of six months from the date of receipt of a certified copy of this order.

The petition in the aforesaid terms stands disposed off.

(SANDEEP MOUDGIL)
JUDGE

14.07.2025
Meenu

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