



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

**CRM-M-47235-2024
DECIDED ON: 14.01.2025**

VIJAY MASIH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Hitesh Chopra, Advocate
for the petitioner (through VC).

Mr. Jasjit Singh Rattu, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. Fourth petition has been filed the present petition under Section 439 Cr.P.C. for grant of regular bail in FIR No.26, dated 01.04.2021, under Sections 21 and 29 of NDPS Act, 1985 and Section 25 of Arms Act, 1959, registered at Police Station Dera Baba Nanak, District Batala.
2. Custody certificate of the petitioner filed by learned State counsel is taken on record.
3. After arguing for some time, learned counsel for the petitioner prays for withdrawal of the present petition with a prayer that a direction be issued to trial Court to expedite the trial, as after framing of charges on 23.12.2021, out of total 16 prosecution witnesses only 4 have been examined so far.
4. Prayer is accepted.
5. Dismissed as withdrawn at this stage.
6. 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."

7. 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”.

8. In view of the discussions made hereinabove this court deems it appropriate to direct the trial court to make an endeavour to conclude the trial within a period of 18 months from the date of receipt of certified copy of this order.

(SANDEEP MOUDGIL)
JUDGE

14.01.2025

Sham

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