

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

2025:PHHC:077820



120/1

CRM-M-23284-2025 (O&M)

Date of Decision: 02.07.2025.

M/s Tanuj Enterprises

...Petitioner.

Versus

M/s Sai Trading Company and others

...Respondents.

CORAM: HON'BLE MRS. JUSTICE SUKHVINDER KAUR

.....

Present: Mr. Onkar Chauhan, Advocate
for the petitioner.

SUKHVINDER KAUR, J.

Prayer in the instant petition filed under Section 528 of BNSS, is for issuance of direction to the trial Court to decide the complaint bearing No. NACT-13-2019 (Annexure P-1) titled as 'M/s Tanuj Enterprises Vs. M/s Sai Trading' filed by the petitioner under Section 138 of Negotiable Instruments Act, in a time bound manner.

Learned counsel for the petitioner has contended that the petitioner had filed the aforesaid complaint on 03.01.2019, wherein notice was issued to the respondents. Respondent No.3 with an intention to delay the proceedings filed an application for discharge and reply to the said application was filed by the petitioner on 06.02.2020, however respondent No.3 availed as many as 15 effective opportunities to argue on the said application, which was ultimately dismissed by the trial Court vide order dated 17.10.2022. Thereafter, on 11.11.2022 when the case was fixed for evidence of the petitioner, an application for issuance of notice of accusation to respondent

No.1 through its partners was moved by the petitioner, which was decided on 20.01.2023. Thereafter, on 10.03.2023, the petitioner along with other witnesses came present for cross-examination, however respondent again sought exemption for personal appearance and in view of the conduct of the respondent to delay the proceedings, the trial Court was constrained to cancel the bail of the respondents. On the next date of hearing i.e. 21.04.2023, proclamation was issued against the respondents, however on the next date of hearing i.e. 18.05.2023, respondents surrendered before the trial Court after getting anticipatory bail from the Sessions Court. Ultimately, after seeking five adjournments by the respondents, the cross-examination of the petitioner was concluded on 05.08.2024 and after closure of his evidence on 28.03.2025, the case is now fixed for recording statement of respondents under Section 313 Cr.P.C. Thus, as the complaint in question is pending before the trial Court for more than six years and respondents are intentionally delaying the proceedings, the trial Court may be directed to expedite the complaint and decide the same in a time bound manner.

Heard.

Vide order dated 01.05.2025 passed by this Court, status report from the concerned Court was called for. In compliance of the order of this Court, status report dated 26.05.2025 from the trial Court has been received, in terms of which, the case before the trial Court is fixed for recording the statements of the accused under Section 313 Cr.P.C.

Since the complaint in question is pending adjudication before the trial Court for the last about six years and speedy trial is a fundamental right of the petitioner enshrined under Article 21 of the Constitution of India, it would be in the interest of justice if the trial Court is directed to decide the complaint in question expeditiously. Accordingly, the present petition is disposed of with

a direction to the trial Court to decide the above said complaint expeditiously as per law, preferably within a period of six months from the date of receipt of copy of this order.

Disposed of.

(SUKHVINDER KAUR)
JUDGE

02.07.2025.

Komal

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