

2025:PHHC:011986



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

115

CRM-M-3285-2025 (O&amp;M)

Date of decision: 27.01.2025

Narinder Singh @ Rocky

...Petitioner

Versus

State of Punjab

...Respondent

**CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Mandeep Nagpal, Advocate  
for the petitioner.

**MANISHA BATRA, J. (Oral)**

1. The present petition has been filed by the petitioner under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking issuance of direction to learned trial Court to conclude the trial expeditiously in case arising out of FIR No. 118 dated 01.08.2021, registered under Sections 21 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Special Task Force, STF Wing, District Ludhiana.

2. Learned counsel for the petitioner has submitted that the petitioner along with co-accused Rupinder Singh @ Rubi is facing trial in the aforementioned case since the year 2021. However, despite lapse of a period of more than 04 years, the trial has not been concluded by the learned trial Court as the prosecution is making all the efforts to delay the disposal of the case. Learned counsel for the petitioner has relied upon the authority cited as ***Hussainara Khatoon and others vs. Home Secretary, State of Bihar : 1979 AIR 1369*** to submit that the right to life and personal liberty under Article 21 of the Constitution of India includes the right to speedy trial, which has been

2025:PHHC:011986



denied to the petitioner by delaying the trial. Hence, it is urged that appropriate directions be issued to learned trial Court for concluding the trial in expeditious manner.

3. I have heard learned counsel for the petitioner at considerable and have also gone through the record carefully.

4. A perusal of the record reveals that after presentation of challan, charges were framed on 23.05.2022 and the case was adjourned to 12.11.2022 for recording the evidence of prosecution witness. However, since 12.11.2022 was a holiday, the case was taken up on 11.11.2022 itself and was adjourned to 31.01.2023 for the said purpose. Since no prosecution witness came present on 31.01.2023, the case was then adjourned to 22.08.2023. However, since then, the case was adjourned five times from time to time on account of request made by the petitioner for exemption of his personal appearance and it was only due to that reason that no prosecution witness could be examined by the learned trial Court. This Court is surprised to see that on one hand, the petitioner himself is delaying the trial and on the other hand, he is filing a petition before this Court seeking direction to the Court concerned for concluding the trial expeditiously. The ratio of law as laid down in ***Hussainara Khatoon***'s case (supra) is not disputed. However, an accused who is actively delaying the progress of a trial cannot reasonably seek an expeditious conclusion of the same. Such conduct undermines the principle of fairness in legal proceedings and contradicts the very essence of a speedy trial. Courts have consistently held that the right to a speedy trial is not absolute and must be exercised in good faith. If the accused deliberately adopts tactics to delay proceeding such as filing frivolous applications, seeking repeated

2025:PHHC:011986



adjournments, or failing to cooperate with judicial directives, he cannot subsequently invoke the right to a swift conclusion. Permitting such a request would not only reward the accused's dilatory behavior but also prejudice the interests of justice, the prosecution, and other parties involved. Hence, any plea for an expeditious trial must be viewed in light of the accused's own conduct during the proceedings. Reliance in this regard can be placed upon the authority cited as ***P. Ramachandra Rao v. State of Karnataka : (2002) 4 SCC 578*** , wherein the Hon'ble Supreme Court addressed the issue of an accused's right to a speedy trial. It was emphasized that while the right to a speedy trial is fundamental under Article 21 of the Constitution, this right must be exercised in good faith. The Court observed that delays caused by the accused themselves cannot be used as grounds to claim a violation of this right. Therefore, an accused who contributes to the delay of the trial cannot later seek its expeditious conclusion on the basis of the right to a speedy trial. In the instant case also, it is apparent that delay in conclusion of trial has been caused by the petitioner/accused himself and it cannot be stated that he has been denied the right to speedy trial. In view thereof, the present petition is dismissed, being devoid of any merit.

27.01.2025

*Wasem Ansari*(MANISHA BATRA)  
JUDGE*Whether speaking/reasoned*

Yes

*Whether reportable*

Yes