



CRM-M-20460-2025 (O&M)

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

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CRM-M-20460-2025 (O&M)

Date of Decision: 21.04.2025

Pawan Kumar and another

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present:- Mr. Munish Garg, Advocate for the petitioners.

Mr. Davinder Bir Singh, Senior DAG, Punjab.

KIRTI SINGH, J.(Oral)

This petition under Section 528 of Bhartiya Nagarik Suraksha Sanhita, 2023, has been filed for issuance of directions to learned Trial Court, Barnala to conclude the trial within time bound manner.

2. Learned counsel for the petitioners, inter alia, submits that the petitioners have been falsely implicated in the present case, being the father-in-law of respondent No.2-complainant. He submits that both petitioners are senior citizens aged 64 and 58 years respectively, who have been put to trial in the FIR dating back to 2018. He submits that challan in this case was presented on 22.07.2019 and charges were framed on 06.04.2022. Out of a total of 32 witnesses, only 13 have been examined till date. It is submitted that complainant/respondent No.2 obtained an ex parte divorce from the son of the petitioners is now after getting remarried, settled in America and is not turning up for defence evidence, while the petitioners are facing the agony of trial. In fact, petitioner No.2



is suffering from 50% disability in her limbs, for which reference is made to the disability certificate annexed at P-1.

3. Heard.

4. The trial is pending since 6½ years. The petitioner No.2 is suffering from 50% disability. Trite to say that right to speedy trial is one of the cornerstones of criminal justice system and that it is the duty of the Courts to ensure that the process does not become punishment for any accused. Considering the facts and circumstances of this case, this Court deems it appropriate to direct the learned Trial Court to conclude the trial expeditiously.

5. Accordingly, the petition is disposed of with the direction to the learned trial Court to conclude the trial expeditiously preferably within a period of six months, in accordance with law. However, the personal appearance of petitioner No.2 shall remain exempted subject to the following conditions:-

- (i) She will be represented through her counsel;
- (ii) will not delay/stall the trial proceedings;
- (iii) will not dispute her identity as accused;
- (iv) will have no objection if the prosecution evidence is recorded in her absence but in the presence of her counsel;
- (v) will appear before the learned trial Court as and when required; and
- (vi) any other condition, which the trial Court may impose.

(KIRTI SINGH)
JUDGE

21.04.2025

Kapil

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No