



3. Learned counsel for the petitioners submits that the FIR (*supra*) was registered in the year 2018 and final report was presented in April, 2019 and the petitioners are appearing on each and every date but unnecessarily, the trial is being delayed on account of non-appearance of the witnesses and petitioners are suffering the agony of the prolonged trial which has suffocated the fundamental right of the petitioners as enshrined under Article 21 of the Constitution of India, which ensure speedy trial and the same is implicit in its broad sweep.

4. I have heard learned counsel for the petitioners and perused the record of the case with his able assistance.

5. The fundamental principle of criminal jurisprudence is to ensure a speedy trial, as enshrined in Article 21 of the Constitution of India. The Hon'ble Supreme Court has repeatedly reaffirmed that the right to a speedy trial is an essential facet of the fundamental right to life and liberty, encompassing every stage of the criminal process, from investigation to the final verdict. A delayed trial, resulting in prolonged deprivation of liberty, violates the mandate of fairness, reasonableness, and justice established in ***Maneka Gandhi Vs. Union of India, 1978 (1) SCC 248*** and reiterated in landmark cases such as ***P. Ramachandra Rao Vs. State of Karnataka, 2002 (4) SCC 578, Hussainara Khatoon Vs. Home Secretary, State of Bihar, (1980) (1) SCC 81, and Abdul Rehman Antulay Vs. R.S. Nayak, 1992 (2) R.C.R. (Criminal) 634***. However, while expeditious adjudication is crucial, the fundamental principles of justice cannot be sacrificed at the altar of speed. The maxim "*justice hurried is justice buried*" serves as a reminder that a fair trial must not be compromised in the quest for efficiency. A delicate balance must be



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maintained between the urgency of resolving cases and adherence to due process, ensuring that the legal system fulfils its ultimate objective i.e. delivering complete and meaningful justice to all. Since the right to a speedy trial is inherently flexible and context-driven, it cannot be reduced to rigid time frames but must instead be assessed in light of fairness, reasonableness, and the interests of justice.

6. Keeping in view the peculiar facts and circumstances of the case, present petition is disposed of. However, in view of the ratio laid down by this Court in CRM-M-25963-2023 titled as *Suresh Kumar and another Vs. The State of Haryana and another, 2023 (2) Law Herald 1498*, personal appearance of the petitioners before learned trial Court is ordered to be exempted, subject to the following conditions:-

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

(HARPREET SINGH BRAR)
JUDGE

24.02.2025

Neha

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