



**IN THE HIGH COURT OF HIMACHAL PRADESH
SHIMLA**

Cr.MMO No.1134 of 2025

Date of Decision: 26.11.2025

Navjot Singh

...Petitioner

Versus

State of H.P. & Ors.

.....Respondents

Coram:

The Hon'ble Mr. Justice Virender Singh, Judge.

Whether approved for reporting?¹

For the petitioner : Mr. Mayank Sharma and Mr. Ashish Soi, Advocates, (joined through video conferencing).

For the respondents : Mr. Varun Chandel, Mr. H.S. Rawat and Mr. Mohinder Zharaick, Additional Advocates General, with Ms. Ranjna Patial, Deputy Advocates General.

Virender Singh, Judge (Oral)

Petitioner Navjot Singh has filed the present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as BNSS), for the following substantive reliefs:-

“(i) To direct the learned JMIC, Solan for deciding the trial related to FIR No.187, dated 16.07.2017, registered at Police Station Solan Sadar, under Sections 354, 506, 147, 148, 149 IPC, 1860 in a fair and expeditious manner, while adhering to the directions issued by the Hon'ble Supreme Court.

¹ Whether reporters of Local Papers may be allowed to see the judgment?



Despite colossal number of opportunities being granted, the prosecution witnesses are not turning up for examination and adjournments are being granted on flimsy and flippant/fictitious grounds.

(ii) To direct the Ld. JMIC, Solan to adhere to the provisions of Section 309 Cr.P.C, which are being completely ignored and the petitioner's right to a speedy trial is also being violated."

2. The facts, in brief, as pleaded, in the petition may be summed up, as under:-

3. The police of Police Station, Sadar, Solan, on the complaint of Harsh Sehgal son of Dinanath Sehgal has registered FIR No.187 of 2017, under Sections 147, 148, 149, 354, 506 of IPC. After registration of the FIR, the police has conducted the investigation and submitted the charge sheet, under Sections 147, 149 354 & 506 of IPC. The charge sheet has been filed, before the Court of learned Judicial Magistrate First Class, Court No.2, Solan, who was not conferred with the powers of Judicial Magistrate First Class, as such, case was adjourned for 04.10.2019. Thereafter the Court of Judicial Magistrate First Class, Court No.2, Solan, has framed the charges, in this case, on 29.05.2023 under Sections 143, 147, 354, 506 of IPC, read with Section 149 of



IPC. Thereafter, the matter was adjourned for 17.08.2023 for PWs.

4. According to the petitioner, despite repeated opportunities given to the prosecution, for about six years, the prosecution could not conclude its evidence, against the accused, including the petitioner.

5. The directions, as prayed in the petition have been sought mainly on the ground that the expeditious trial is the rule. Learned counsel for the petitioner has also relied upon the decisions of the Hon'ble Apex Court, reported in **State of U.P. versus Shambhu Nath Singh and others (2001) 4 SCC 667, Raj Deo Sharma versus State of Bihar (1998) 7 SCC 507, Talab Haji Hussain versus Madhukar Purshottam Mondkar, AIR 1958 SC 376** and prayed that learned Judicial Magistrate First Class, Solan may kindly be directed to decide the trial, expeditiously.

6. Heard.

7. The right of the speedy trial is held to be fundamental right, which flows from Article 21 of the Constitution of India. As per the Zimini orders, annexed with the petition, on 17.08.2023, when, the case was listed for the first time for PWs, on that day, accused Nos.2, 6 (petitioner)



and 8 were not present, and on their behalf, applications for exemption were moved, which were considered and allowed and the matter was thereafter, adjourned for 04.10.2023.

8. On 04.10.2023, again the applications for exemption, were moved, on behalf of absentee accused Nos.2 and 4 and on that day, applications seeking adjournment in the case has been moved by learned vice counsel appearing on behalf of the accused, which were considered by the learned trial Court and matter was adjourned for PWs, on 18.11.2023. On that day, exemption applications were moved on behalf of witnesses, namely Vishal Sehgal and Harsh Sehgal, which were considered by the learned trial Court and were allowed, and the matter was adjourned for PWs, for 14.03.2024, 15.03.2024 and 16.03.2024.

9. On 14.03.2024, also accused No.8, was not present and application, on his behalf, was moved, which was considered by the learned trial Court and allowed. On 15.03.2024 again, accused No.8 was not present and on his behalf, application for exemption was moved, which was considered and allowed by the learned trial Court.



10. On 16.03.2024, PWs were ordered to be summoned for 19.06.2024. On that day also, accused Nos.1, 2, 3, 5, 6 (petitioner) & 8 were not present and the matter was thereafter, adjourned for 07.09.2024. Similarly, on 07.09.2024 & 09.09.2024, some of the accused were not present, and on their behalf applications for exemption were moved, which were considered by the learned trial Court and allowed.

11. On 20.12.2024, when the case was listed for PWs, only one PW was present, however, in view of request made by learned Defence Counsel, his statement was not recorded, as according to learned Defence Counsel, the chances of compromise were there.

12. Similarly, on 21.12.2024, all accused persons, except accused Mahender Singh, were present, and on his behalf, application for exemption, was moved and after considering the privations of Article 21 of the Constitution of India, the learned trial Court has adjourned the case for 23.12.2024, on that day also, application for exemption on behalf of absentee accused was moved, which was



considered and allowed. Similar position was there on 24.12.2024.

13. On the basis of the Zimini orders, which were produced by the petitioner, on record on 24.03.2025, 25.03.2025, 27.06.2025, 28.06.2025, 30.06.2025, 25.09.2025, 26.09.2025 and 27.09.2025, all the accused persons were not present, before the learned trial Court and on their behalf, applications for exemption, were moved, which were considered and allowed.

14. From the above Zimini orders, it can be said at this stage, that the trial could not proceed in this case, due to the non-appearance of the accused persons and not on account of any other reason. When, the accused including the petitioner moved the applications for exemption, on various dates, as, highlighted above, then, there is no merit in the present petition, seeking the direction to the learned trial Court to expedite the trial, in the present case.

15. Consequently, the present petition is dismissed, so also the pending application(s), if any.

(Virender Singh)
Judge

November 26, 2025
(subhash)