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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

CNR No. DLHC010136552023

+ **CRL.M.C. 2660/2023**

JAIVEER SINGH

.....Petitioner

Through: Mr. Deepak Kumar, Adv.

versus

STATE (N.C.T. OF DELHI)

.....Respondent

Through: Mr. Shoaib Haider, APP for State.
SI Ashish, PS JP Kalam

CORAM:

HON'BLE MR. JUSTICE ARUN BHARDWAJ

ORDER

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05.10.2026

1. It is submitted by the learned counsel for the petitioner that the FIR in the present case was registered on 09.01.2015 under Sections 33 and 38 of Delhi Excise Act, 2009. The punishment provided for the offences under Sections 33 and 38 is from six months to three years and six months respectively.
2. It is submitted by the learned counsel for the petitioner that considering the maximum punishment provided for the aforesaid sections, which would be three years, the period of limitation for taking cognizance of the same would be three years as per Section 468 of the Code of Criminal Procedure, 1973 ('CrPC'), specifically Section 468(2)(c) of the CrPC.
3. It is further submitted by the learned counsel for the petitioner that there was a delay in filing of the charge sheet in the present case as the charge sheet was filed only on 04.11.2022, i.e., almost after 7 years and 9 months from the registration of the FIR.

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4. By way of order dated 20.12.2022 (**'Impugned Order'**), the learned Trial Court has concluded that, in light of the judgment of the Supreme Court in **Amrit Lal v. Shantilal Soni and others**, (2022) 13 SCC 128, the complaint was filed well within limitation period and therefore, the cognizance of the offences is not barred by limitation.

5. Before delving into the merits of this case, it is apposite to discuss the jurisprudence with respect to the right of an accused to a speedy trial, which is protected under Article 21 of the Constitution of India.

6. The Supreme Court in **Hussainara Khatoon (I) v. Home Secy., State of Bihar**, (1980) 1 SCC 81 has observed as under:

"5....We think that even under our Constitution, though speedy trial is not specifically enumerated as a fundamental right, it is implicit in the broad sweep and content of Article 21 as interpreted by this Court in Maneka Gandhi v. Union of India, [(1978) 1 SCC 248: (1978) 2 SCR 621]. We have held in that case that Article 21 confers a fundamental right on every person not to be deprived of his life or liberty except in accordance with the procedure prescribed by law and it is not enough to constitute compliance with the requirement of that article that some semblance of a procedure should be prescribed by law, but that the procedure should be "reasonable, fair and just". If a person is deprived of his liberty under a procedure which is not "reasonable, fair or just", such deprivation would be violative of his fundamental right under Article 21 and he would be entitled to enforce such fundamental right and secure his release. Now obviously procedure prescribed by law for depriving a person of liberty cannot be "reasonable, fair or just" unless that procedure ensures a speedy trial for determination of the guilt of such person. No procedure which does not ensure a reasonably quick trial can be regarded as "reasonable, fair or just" and it would fall foul of Article 21. There can, therefore, be no doubt that speedy trial, and by speedy trial we mean reasonably expeditious trial, is an integral and essential part of the fundamental right to life and liberty enshrined in Article 21..."

7. Further, the Supreme Court in **Robert Lalchungnunga Chongthu v. State of Bihar**, 2025 SCC OnLine SC 2511 has dealt with the importance of a speedy trial to protect the rights of an accused. The relevant portions of



Robert Lalchungnunga Chongthu (supra) are reproduced hereinafter:

“14. Various judgments of this Court have emphasised the right to speedy trial as being an important facet of Article 21 of the Constitution. Timely completion of investigation is inherent thereto.

14.1. A Constitution Bench of this Court in Abdul Rehman Antulay v. R.S. Nayak, observed:

“81. Article 21 declares that no person shall be deprived of his life or liberty except in accordance with the procedure prescribed by law. The main procedural law in this country is the Code of Criminal Procedure, 1973. Several other enactments too contain many a procedural provision. After Maneka Gandhi [Maneka Gandhi v. Union of India, (1978) 1 SCC 248 : AIR 1978 SC 597], it can hardly be disputed that the ‘law’ [which has to be understood in the sense the expression has been defined in clause (3)(a) of Article 13 of the Constitution] in Article 21 has to answer the test of reasonableness and fairness inherent in Articles 19 and 14. In other words, such law should provide a procedure which is fair, reasonable and just. Then alone, would it be in consonance with the command of Article 21. Indeed, wherever necessary, such fairness must be read into such law. Now, can it be said that a law which does not provide for a reasonably prompt investigation, trial and conclusion of a criminal case is fair, just and reasonable? It is both in the interest of the accused as well as the society that a criminal case is concluded soon. If the accused is guilty, he ought to be declared so. Social interest lies in punishing the guilty and exoneration of the innocent but this determination (of guilt or innocence) must be arrived at with reasonable despatch — reasonable in all the circumstances of the case. Since it is the accused who is charged with the offence and is also the person whose life and/or liberty is at peril, it is but fair to say that he has a right to be tried speedily. Correspondingly, it is the obligation of the State to respect and ensure this right. It needs no emphasis to say, the very fact of being accused of a crime is cause for concern. It affects the reputation and the standing of the person among his colleagues and in the society. It is a cause for worry and expense. It is more so, if he is arrested. If it is a serious offence, the man may stand to lose his life, liberty, career and all that he cherishes.

82. The provisions of the Code of Criminal Procedure are consistent with and indeed illustrate this principle. They provide for an early investigation and for a speedy and fair trial. The learned Attorney General is right in saying that if only the provisions of the Code are followed in their letter and spirit, there would be little room for any grievance. The fact however, remains unpleasant as it is, that in many cases, these provisions are honoured more in breach. Be that as it may, it is sufficient to say that the constitutional guarantee of speedy trial emanating from Article 21 is properly reflected in the provisions of the



Code.”

The Court laid down guidelines regarding fair trial. Regarding investigation, which is the relevant facet here, the direction issued is as under:

“...

(2) Right to speedy trial flowing from Article 21 encompasses all the stages, namely the stage of investigation, inquiry, trial, appeal, revision and re-trial. That is how, this Court has understood this right and there is no reason to take a restricted view.

(3) The concerns underlying the right to speedy trial from the point of view of the accused are:

(a) the period of remand and pre-conviction detention should be as short as possible. In other words, the accused should not be subjected to unnecessary or unduly long incarceration prior to his conviction;

(b) the worry, anxiety, expense and disturbance to his vocation and peace, resulting from an unduly prolonged investigation, inquiry or trial should be minimal; and

(c) undue delay may well result in impairment of the ability of the accused to defend himself, whether on account of death, disappearance or non-availability of witnesses or otherwise.

...”

14.2. A Bench of seven judges in *P. Ramachandra Rao v. State of Karnataka*, while disapproving of setting up of strict timelines by this Court for completion of investigation etc observed:

“...The mental agony, expense and strain which a person proceeded against in criminal law has to undergo and which, coupled with delay, may result in impairing the capability or ability of the accused to defend himself have persuaded the constitutional courts of the country in holding the right to speedy trial a manifestation of fair, just and reasonable procedure enshrined in Article 21. Speedy trial, again, would encompass within its sweep all its stages including investigation, inquiry, trial, appeal, revision and retrial — in short everything commencing with an accusation and expiring with the final verdict — the two being respectively the terminus a quo and terminus ad quem — of the journey which an accused must necessarily undertake once faced with an implication. The constitutional philosophy propounded as right to speedy trial has though grown in age by almost two and a half decades, the goal sought to be achieved is yet a far-off peak. Myriad fact situations bearing testimony to denial of such fundamental right to the accused persons, on account of failure on the part of prosecuting agencies and the executive to act, and their turning an almost blind eye at securing expeditious and speedy trial so as to satisfy the mandate of Article



21 of the Constitution....”

14.3. Just recently, a bench of three Judges of this Court in *Sovaran Singh Prajapati v. State of U.P.*, (including one of us, Sanjay Karol J.) after considering number of pronouncements, culled out the features of fair trial. The third point mentioned therein is important here. It reads, “Process of investigation and trial must be completed with promptitude.”.

14.4. Another recent instance was in the case *CBI v. Mir Usman* wherein this Court held:

“31. The right to speedy trial is implicit in Article 21 of the Constitution of India. The first written articulation of the right to speedy trial appeared in 1215 in the Magna Carta: “We will sell to no man, we will not deny or defer to any man either justice or right.” Article 21 of the Indian constitution declares that “no person shall be deprived of his life or personal liberty except according to the procedure laid by law.” Justice V.R. Krishna Iyer in *Babu Singh v. State of U.P.*, (1978) 1 SCC 579 : AIR 1978 SC 527 remarked, “Our justice system even in grave cases, suffers from slow motion syndrome which is lethal to “fair trial” whatever the ultimate decision. Speedy justice is a component of social justice since the community, as a whole, is concerned in the criminal being condignly and finally punished within a reasonable time and the innocent being absolved from the inordinate ordeal of criminal proceedings.” In the case of *Sheela Barse v. Union of India*, (1986) 3 SCC 632 : (1986) 3 SCR 562, this Court has held that the right to speedy trial is a fundamental right. Further it was stated by this Court that the consequence of violation of the fundamental right to speedy trial would be that the prosecution itself would be liable to be quashed on the ground that it is in breach of fundamental right.”

8. The Supreme Court also dealt with how other jurisdictions provide for and deal with speedy trial. The relevant portion is reproduced hereinafter:

“16. At this juncture, we would not be out of place to refer as to how other jurisdictions provide for and deal with speedy trial, in same and similar terms as has been held by this Court.

16.1. In the United States of America, the Sixth Amendment to the Constitution, introduced by the Bill of Rights, 1791 provides:

“In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be



informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.”

The following cases demonstrate the application of this constitutional enshrinement-

16.1.1. Earl Warren, CJ wrote for a unanimous Court in Klopfer v. United States as under:

“We hold here that the right to a speedy trial is as fundamental as any of the rights secured by the Sixth Amendment. That right has its roots at the very foundation of our English law heritage. Its first articulation in modern jurisprudence appears to have been made in Magna Carta (1215), wherein it was written, “We will sell to no man, we will not deny or defer to any man either justice or right”; ‘but evidence of recognition of the right to speedy justice in even earlier times is found in the Assize of Clarendon (1166).’ By the late thirteenth century, justices, armed with commissions of gaol delivery and/or oyer and terminer “were visiting the countryside three times a year.” These justices, Sir Edward Coke wrote in Part II of his Institutes, “have not suffered the prisoner to be long detained, but at their next coming have given the prisoner full and speedy justice, ... without detaining him long in prison.” 12 To Coke, prolonged detention without trial would have been contrary to the law and custom of England; “but he also believed that the delay in trial, by itself, would be an improper denial of justice. In his explication of Chapter 29 of the Magna Carta, he wrote that the words “We will sell to no man, we will not deny or defer to any man either justice or right” had the following effect: “And therefore, every subject of this realme, for injury done to him in bonis, terris, vel persona, by any other subject, be he ecclesiasticall, or temporall, free, or bond, man, or woman, old, or young, or be he outlawed, excommunicated, or any other without exception, may take his remedy by the course of the law, and have justice, and right for the injury done to him, freely without sale, fully without any deniall, and speedily without delay.”

16.1.2. In Baker v. Wingo, the Court, consolidating the tests that were already in application by the lower courts, laid down a four-pronged test, commonly known as the Baker Test. The Court is to consider-the length of the delay, the reason for the delay, when the defendant asserted his right to speedy trial, and the prejudice suffered by the defendant as a result of the delay.

16.1.3. In Doggett v. United States, the Court was concerned with the case in which an alleged drug peddler was indicted for conspiracy to distribute cocaine. The accused had apparently fled the jurisdiction of the United States. Even though



the information of the outstanding arrest warrant had been sent to all posts of the United States Customs, he could only be arrested 6 years after his return to the country, and in total, 8 ½ years after his indictment. Souter J., for the majority held:

“...We have observed in prior cases that unreasonable delay between formal accusation and trial threatens to produce more than one sort of harm, including “oppressive pretrial incarceration”, “anxiety and concern of the accused”, and “the possibility that the [accused's] defense will be impaired” by dimming memories and loss of exculpatory evidence. *Barker*, 407 U. S., at 532; see also *Smith v. Hooey*, 393 U.S. 374, 377-379 (1969); *United States v. Ewell*, 383 U.S. 116, 120 (1966). Of these forms of prejudice, “the most serious is the last, because the inability of a defendant adequately to prepare his case skews the fairness of the entire system.” 407 U. S., at 532. Doggett claims this kind of prejudice, and there is probably no other kind that he can claim, since he was subjected neither to pretrial detention nor, he has successfully contended, to awareness of unresolved charges against him.”

...Our speedy trial standards recognize that pretrial delay is often both inevitable and wholly justifiable. The government may need time to collect witnesses against the accused, oppose his pretrial motions, or, if he goes into hiding, track him down. We attach great weight to such considerations when balancing them against the costs of going forward with a trial whose probative accuracy the passage of time has begun by degrees to throw into question. See *Loud Hawk*, *supra*, at 315-317. Thus, in this case, if the Government had pursued Doggett with reasonable diligence from his indictment to his arrest, his speedy trial claim would fail. Indeed, that conclusion would generally follow as a matter of course however great the delay, so long as Doggett could not show specific prejudice to his defense.”

9. While concluding, the Supreme Court directed as under:

“CONCLUSION AND DIRECTIONS

[...]

21. Before parting with this matter, we deem it fit to issue the following directions:

[...]

(ii) Reasons are indispensable to the proper functioning of the machinery of criminal law. They form the bedrock of fairness, transparency, and accountability in the justice system. **If the Court finds or the accused alleges (obviously with proof and reason to substantiate the allegation) that there is a large gap between the first information**



report and the culminating chargesheet, it is bound to seek an explanation from the investigating agency and satisfy itself to the propriety of the explanation so furnished.

The direction above does not come based on this case alone. This Court has noticed on many unfortunate occasions that there is massive delay in filing chargesheet/taking cognizance etc. This Court has time and again, in its pronouncements underscored the necessity of speedy investigation and trial as being important for the accused, victim and the society. However, for a variety of reasons there is still a lag in the translation of this recognition into a reality.

(iii) While it is well acknowledged and recognised that the process of investigation has many moving parts and is therefore impractical to have strict timelines in place, at the same time, the discussion made in the earlier part of this judgement, clearly establishes that investigations cannot continue endlessly. The accused is not out of place to expect, after a certain point in time, certainty- about the charges against him, giving him ample time to preparing plead his defence. ***If investigation into a particular offence has continued for a period that appears to be unduly long, that too without adequate justification, such as in this case, the accused or the complainant both, shall be at liberty to approach the High Court under Section 528 BNSS/482 CrPC, seeking an update on the investigation or, if the doors of the High Court have been knocked by the accused, quashing. It is clarified that delay in completion of investigation will only function as one of the grounds, and the Court, if in its wisdom, decides to entertain this application, other grounds will also have to be considered.”***

10. From the above judgments, it is clear that the timely completion of investigation is an important right of an accused, protected under Article 21 of the Constitution of India.

11. Speedy trial includes all stages of investigation, inquiry, trial and appeal commencing with accusation to the final verdict. Unreasonable delay between formal accusation and trial threatens that the defence of the accused will be impaired.

12. Further, it is difficult to place timelines for completion of investigation, however, at the same time, it is important to note that investigations cannot continue for a long period before culminating in filing



of the charge sheet and the investigation must be completed within a reasonable timeline depending on the facts and circumstances of the case.

13. In the present case, as enumerated hereinabove, the FIR was registered on 09.01.2015, whereas the charge sheet was filed before the learned MM only on 04.11.2022. Therefore, there was a delay of nearly 8 years in the filing of the charge sheet.

14. A perusal of the Status Report, filed before this Court, shows that the charge sheet was prepared by the Head Constable, Satish and was forwarded to the learned Trial Court by the concerned ACP on 04.05.2018. However, the same was only submitted to the learned Trial Court on 03.11.2022. Although, departmental action has been initiated against the Head Constable, Satish for the delay, however, the same can neither be construed as a justification for the delay in filing of the charge sheet nor will it be of any consolation to the accused if he is constrained to face trial at this belated stage. Further, it is not a case where filing of the charge sheet was delayed for reasons beyond the control of the investigating authority.

15. In these circumstances, this Court is of the opinion that the inordinate delay in filing of the charge sheet has violated the rights of the accused enshrined under Article 21 of the Constitution of India.

16. As a result, the proceedings initiated against the accused in Case No. 13375/ 2022 arising out of FIR No. 10/2015 PS Jaffarpur Kalan are quashed.

ARUN BHARDWAJ, J

OCTOBER 5, 2026/Pa

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