

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

CRM-M-29079-2015 (O&M)

Date of decision: August 16, 2016.

Gunraj Singh

... **Petitioner**

v.

State of Punjab and others

... **Respondents**

CORAM: **HON'BLE MR. JUSTICE A.B. CHAUDHARI**

Present: Shri APS Shergill, Advocate for the petitioner.

Shri K.S. Sidhu, Assistant Advocate General, Punjab.

Shri R.S. Rai, Senior Advocate with
Shri Deepak Bhardwaj, Advocate for respondent No.2.

A.B. Chaudhari, J. (Oral):

Heard learned Counsel for the rival parties at length.

In the previous round of litigation, the Sessions Court had in the revision made an order on 21.3.2015 accepting the revision petition filed by the present petitioner and asking the learned Magistrate to reconsider the issue regarding framing of charge pursuant to the said remand order. The learned Magistrate framed the charge on 20.7.2015 and thereafter proceeded with the trial. Now, the counsel for the respondent submits that the entire evidence has been recorded and the case is posted for final arguments in the trial. By this petition, the petitioner is seeking addition of charge for offence under the Arms Act.

In my opinion, the petitioner ought to have taken steps to move this Court instead of allowing trial to get completed. Having allowed to

continue the trial till the fag end, I think the petitioner cannot be said to be diligent. Now, learned Counsel for the petitioner is seeking stay of the trial at such a late stage as the petitioner is seeking addition of the charge under the Arms Act. Undoubtedly, the entire trial will have to be held de-novo if such a request of the petitioner is accepted. In my opinion, it is not desirable nor in the interest of justice to go to square one at such a late stage. The trial has been completed and what remains is only the arguments. At any rate, in view of the fact that the petitioner has appellate remedy for the grievance made in the present petition, the issue can very well be raised. But, to interfere with the trial at a late stage would tantamount to delaying the course of justice.

In that view of the matter, leaving all points open, I dismiss the present petition.

Learned Counsel for the petitioner seeks stay of this order for a period of two weeks. Prayer for stay is declined since there is no stay order made by this Court in the petition.

[A.B. Chaudhari]
Judge

August 16, 2016.
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Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No