

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

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**CRM-M-35587-2020 (O & M)
Date of Decision:16.11.2020**

GURSHARAN SINGH @ SHARNI ...PETITIONER

VERSUS

STATE OF PUNJAB ...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Achin Gupta, Advocate for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

SUVIR SEHGAL, J.(ORAL)

The Court has been convened through video conferencing due to Covid-19 pandemic.

CRM-27101-2020

Prayer in the application is for exemption from filing the original Vakalatnama/Power of Attorney.

As per office report dated 12.11.2020, original Vakalatnama/Power of Attorney has been received. The same is taken on record.

Application stands disposed of.

Main Case

Through the instant petition filed under Section 439 of Cr.P.C., the petitioner is seeking regular bail in case FIR No.58, dated 22.06.2014 registered under Section 25 of the Arms Act, 1959, at Police Station Jaito, District Faridkot.

Counsel for the petitioner has argued that the sole allegation against the petitioner is that a 12 bore double barrel gun in an unassembled condition was recovered from him when he was travelling on a motorcycle and was apprehended by the police officials. Counsel urges that the

petitioner is behind bars since 22.06.2014 i.e. for the last more than 6 years and 4 months, all the prosecution witnesses have been examined and the trial is not progressing due to the outbreak of Coronavirus (Covid-19) pandemic.

Per contra, State counsel upon instructions from ASI Balwinder Singh, has opposed the petition on the ground that the petitioner is habitual criminal and is involved in a number of other cases including an FIR under Sections 302 and 307 IPC. He has filed custody certificate dated 15.11.2020, which is taken on record. On the basis thereof, State counsel concedes that period of incarceration of the petitioner is 6 years, 4 months and 21 days. According to him, the trial is at the advance stage and is fixed for adducing evidence in defence by the accused. Therefore, according to him, this is not the stage to grant bail to the accused.

In view of the fact that the trial is at the fag end, this Court is of the view that it is not appropriate to grant bail to the petitioner.

However, considering the fact that the trial can be concluded within next few hearings, the trial Court is directed to explore the possibility of conducting the proceedings and hearing the arguments through virtual mode, in case it is not possible to conduct the proceedings physically, while adhering to all the safeguards and conclude the trial as expeditiously as possible, preferably within a period of 2 months from today. Needless to mention, it is expected that the accused-petitioner will co-operate in the expeditious disposal of the trial and will not seek any adjournment.

In these observations, the petition stands disposed of.

16.11.2020

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(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No