

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

207

CRM-M No.51207 of 2019 (O&M)
Date of Decision: October 27, 2020

Gurwinder Singh @ Lamber

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR JUSTICE SUDIP AHLUWALIA

Present: Mr. Deepak Aggarwal, Advocate for the petitioner.

Mr. N.K. Banka, DAG, Punjab.

SUDIP AHLUWALIA, J. (Oral)

Case has been taken up through video conferencing in view of the outbreak of Pandemic COVID-19.

2. The present petition has been filed under Section 439 Cr.P.C. for grant of Regular Bail to the petitioner in Case FIR No.28 dated 19.02.2019, registered under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Sangat, District Bathinda.

3. In the previous order passed on 07.07.2020, it had been noted that all the prosecution witnesses have already been examined and the matter was fixed for 17.07.2020 before the learned Trial Court for examination of the petitioner/defence evidence/arguments etc.

4. However, from the copy of the order passed by learned Trial

Court on 10.08.2020, which has been sent up through email by learned counsel for the petitioner, it transpires that further proceedings could not take place on account of prevailing Covid-19 Pandemic and the matter has been adjourned to 27.11.2020 for the same purpose. Nevertheless, learned Trial Court had also noted in its order as under:-

“ However, it is made clear that any of the parties, if so desires, may move application for preponing the case in the event of any urgency involved in the matter and in that eventuality, the proceedings would be conducted through Video Conferencing. Parties be informed accordingly.”

5. It is, therefore, clear that even though proceedings in the normal course are not being conducted, still the Court has granted liberty to the concerned parties to approach it for pre-ponement in the event of any urgency, in which case the proceedings will be conducted through Video Conferencing.

6. But for some inexplicable reasons, the petitioner does not appear inclined to avail of this open facility. In fact, for the purpose of his examination under Section 313 Cr.P.C., there can not be conceivable difficulty for doing so by way of Video Conferencing. Even thereafter the subsequent stage of defence, evidence would also be dependant upon the petitioner's side itself in ensuring that the defence evidence is promptly led before the learned Trial Court by way of Video Conferencing, if so warranted.

7. For the aforesaid reasons, considering that otherwise the trial is at its fag end and its conclusion can be brought about, if the petitioner himself seeks to be a little more active and avail the facility extended by Ld. Trial Court of getting the remaining proceedings to be completed by Video

Conferencing, the same would be much more preferable, rather than seeking bail time and again on the premise that trial is being hold up, leading to his indefinite detention.

8. Dismissed

(SUDIP AHLUWALIA)
JUDGE

October 27, 2020
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Whether speaking/reasoned :	Yes/No
Whether Reportable :	Yes/No