

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

CWP 8546 of 2021 (O&M)

Date of Decision: April 20, 2021

Gurjeet Singh @ JeetPetitioner
Versus
State of Punjab and another
.... Respondents

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. Kamaldip Singh Sidhu, Advocate
for the petitioner.

FATEH DEEP SINGH, J. (Oral)

The matter has been taken up through
video-conferencing on account of outbreak of pandemic COVID-
19.

Petitioner Gurjeet Singh @ Jeet has invoked the
jurisdiction of this Court under Articles 226/227 of the
Constitution of India by filing the instant civil writ petition seeking
writ in the nature of *mandamus* for issuance of appropriate
orders and directions to the trial Court to conclude the trial in
case bearing FIR No. 04 dated 22.02.2017 under Sections 399,
402, 120-B IPC and Sections 25, 27 and 54 of Arms Act and

later on added offence under Section 307 IPC registered at Police Station SSOC, Amritsar within time framed period.

Upon hearing Shri Kamaldip Singh Sidhu learned counsel for the petitioner and on perusal of the records.

Admittedly, the petitioner is an accused and his main grouse is that he has not been speedily dealt with at the trial in the trial Court under Section 309 Cr.P.C. The Code of Criminal Procedure provides for the manner in which evidence in inquires and trials is to be recorded and under Section 309 Cr.P.C. ensures and provides for time framed to take the proceedings in a criminal trial from the date of filing of the charge sheet and further it casts a burden on the Court where the trial is pending to ensure its speedy disposal and not to postpone or adjourn the same without there being substantial reasons for doing so which are to be recorded in writing and, therefore, instead of invoking the jurisdiction of this Court under Articles 226/227 of Constitution of India and burdening it the petitioner ought to have laid resort to these provisions.

As has been held in **Sakiri Vasu Vs. State of U.P. and others** 2008 (1) R.C.R. (Criminal) 392 by the Apex Court

that in stead of rushing to the High Court by way of writ petition or a petition under Section 482 Cr.P.C. where a party has an alternative remedy may avail of it at the first go and in the light of the same, the present petition stands disposed off directing the petitioner to first move to the trial Court and seek the relief being prayed for in this petition.

Disposed off accordingly.

April 20, 2021

(FATEH DEEP SINGH)

amit rana

JUDGE

Whether reasoned/speaking : Yes/No
Whether reportable : Yes/No