

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

**Crl. Misc. No.M-18831 of 2015
Date of Decision: 02.06.2015**

Ram Lal

... Petitioner

Versus

Harjit Ram & anr.

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Ankit Grewal, Advocate, for
Ms. Arti, Advocate,
for the petitioner.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J.(Oral)

This is a petition under Section 438 of the Code of Criminal Procedure praying for anticipatory bail in criminal case No.176/2007, dated 17.8.2007, filed by a private party namely, Harjit Ram against the petitioner and another person, who the complainant arrayed as a co-accused. The co-accused has been acquitted by the trial Court of offences for which the petitioner was also charged i.e. under Sections 452, 427, 323, 325, 354, 504, 506, 148 and 149 IPC in the Police Station concerned i.e. P.S. Sadar, Jalandhar. The incident is of 13th January, 2007 based on an allegation of house trespass and threats given out to the complainant party by the accused. The petitioner says that he is a construction worker and has been working with a company in Abu Dhabi. He was declared a proclaimed offender on 21.12.2010 by the order passed by Chief Judicial Magistrate, Jalandhar.

His request for anticipatory bail has been declined by the Additional Sessions Judge, Jalandhar, on the premise that the petitioner

is a proclaimed offender: there are serious and specific allegations against him, the trial against him is yet to be started and witnesses are yet to be examined and thus, anticipatory bail has been declined vide order dated 11.5.2015.

Keeping in view the fact that the co-accused has been acquitted as recorded in the impugned order and the fact that it is a complaint case, without expressing any opinion on the merits of the case, this Court is of opinion that this was a fit case for the courts below to have exercised their jurisdiction and granted anticipatory bail and not to have compelled the petitioner to approach this Court in a case of the present kind. In the totality of circumstances, this Court would allow this petition and admit the petitioner to the concession of anticipatory bail by directing him to appear before the learned Illaqa Magistrate in Jalandhar Sessions Division, who would admit the petitioner to regular bail on the date fixed for appearance and thereafter, to proceed with the trial in accordance with law.

The petition stands disposed of in the above terms.

02.06.2015
monika

(RAJIV NARAIN RAINA)
JUDGE