

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

**Criminal Misc. No. M-3629 of 2015 (O&M)
Date of decision: 09.02.2015.**

Jaswant Rai

..Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspapers may be allowed to see judgment?**
- 2. To be referred to reporters or not?**
- 3. Whether the judgment should be reported in the Digest?**

Present: Mr. Mohd. Yousaf, Advocate
for the petitioner.

Ms. Ritu Punj, Addl. AG, Punjab
for the respondent – State.

Daya Chaudhary, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. on behalf of the petitioner-Jaswant Rai for grant of regular bail in case FIR No.53 dated 25.06.2009, under Sections 307, 392, 365, 452, 427, 148 read with Section 149 of Indian Penal Code registered at Police Station Bilga, District Jalandhar.

Learned counsel for the petitioner submits that earlier the petitioner was released on regular bail as compromise was effected between accused persons and the complainant and the petitioner has left India due to that compromise only. But subsequently, the petitioner was declared as proclaimed offender. Learned counsel for the petitioner further submits that co-accused of the petitioner has been

acquitted of the charges by the trial Court as the complainant herself has not supported the case of the prosecution. Learned counsel also submits that the petitioner has surrendered before the trial Court in compliance of the order passed by this Court in Criminal Misc. No. M-43200 of 2014. No purpose would be served by keeping the petitioner in custody as co-accused of the petitioner has been acquitted of the charges on the same allegations and evidence as is there against the present petitioner. Learned counsel for the petitioner also submits that no other case of similar nature is pending against the petitioner.

Learned State counsel has filed custody certificate in the Court and the same is taken on record. Learned State counsel has not disputed the custody period as well as the fact that no other case of similar nature is pending against the petitioner and also the factum of acquittal of the co-accused.

Keeping in view the submissions made by learned counsel for the petitioner and also the fact that co-accused of the petitioner have been acquitted of the charge by the trial Court as the complainant has not supported the case of the prosecution; moreover, there was a compromise between the parties; and no purpose would be served by keeping the petitioner in custody, the present petition is allowed and the petitioner (Jaswant Rai) is directed to be released on regular bail subject to furnishing bail/surety bonds to the satisfaction of the trial Court.

09.02.2015
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(DAYA CHAUDHARY)
JUDGE