

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

Criminal Misc. No.M-35928 of 2013(O&M)
Date of Decision:-29.01.2016

Jaswinder Singh alias Bindi

....Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

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. Rajeshwar Singh Thakur, Advocate
for the petitioner.

Mr. Sultan Singh Gill, DAG, Punjab.

HARI PAL VERMA J.(Oral)

Prayer made in the present petition filed under Section 482 Cr.P.C. is for quashing of the final report under Section 173 Cr.P.C. dated 03.08.2007(Annexure P-1) under Sections 307, 323, 148 and 149 of IPC and Sections 25 and 27 of the Arms Act, 1959 as well as FIR No.217, dated 28.10.2005 under Sections 307, 323, 325, 148 and 149 of IPC, registered at Police Station Phillaur, Distt. Jalandhar and all other consequential proceedings arising out of the said FIR.

On 28.10.2013, when the present petition came up for hearing, this Court has passed the following order:-

*“Mr. Thiara, learned counsel for the
petitioner, submits that the co-accused of the*

petitioner have all been acquitted by the learned trial Court of the charges framed against them, for the offences punishable under Sections 307, 325, 323, 148, read with Section 149 IPC. However, since he was declared to be a proclaimed offender as he had not appeared before the trial Court and did not face trial, he, consequently, was obviously was not acquitted alongwith.

He relies upon a judgment of a Division Bench of this Court in Sudo Mandal @ Dwarka Mandal vs. State of Punjab reported as 2011(2) RCR (Criminal) 453, to submit that in similar circumstances, where the allegations were in respect of an offence punishable under Section 302 IPC, the Division Bench had acquitted the person who had been declared to be a proclaimed offender.

A perusal of the judgment of the trial Court, shows that the allegations against the co-accused of the petitioner, were for various offences including under the Arms Act and the role attributed to the petitioner was only that he was present there with a kirpan, but no injury whatsoever, was attributed to him.

Notice of motion, returnable on 14.01.2014.”

Learned counsel for the petitioner submits that apart from the fact that the other co-accused have been acquitted by the learned trial Court, a compromise has also been entered between the parties which is sufficient to quash the FIR in question as well as other consequential proceedings arising therefrom.

Learned counsel for the State submits that no doubt, that the other co-accused have been acquitted by the learned trial Court, but the fact remains that the petitioner has been declared as a proclaimed offender and as long as the PO order is in force, the petitioner has no right to seek quashing of FIR even on the basis of

compromise.

I have heard learned counsel for the parties.

Majesty of the law must prevail and petitioner in order to avail his right should show his bona fide and must surrender before the Court below in order to streamline his account.

Accordingly, faced with this situation, learned counsel for the petitioner contends that the petitioner is ready to face the trial provided he be admitted on bail on his surrendering before the learned trial Court.

Taking into consideration the fact that the other co-accused have been acquitted, coupled with the fact that the matter has been compromised between the parties during the pendency of the present petition and in case the petitioner surrenders before the trial Court within one month from today, he shall be admitted on bail to its satisfaction.

However, it is made clear that the petitioner shall face the trial in accordance with law and in case the petitioner surrenders before the trial Court within the time stipulated above, efforts would be made to expedite the trial.

29.01.2016
Anjal

(HARI PAL VERMA)
JUDGE