

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-35126-2016

Date of decision: November 08, 2016.

Amarjit Singh @ Sonu

... **Petitioner**

v.

State of Punjab

... **Respondent**

CORAM: **HON'BLE MR. JUSTICE A.B. CHAUDHARI**

Present: Shri Ramesh Sharma, Advocate for the petitioner.

Ms. Rajni Gupta, Additional Advocate General, Punjab.

A.B. Chaudhari, J. (Oral):

Rule. Heard forthwith with the assistance of Learned Counsel for the parties as the State Counsel puts in appearance upon being put to notice by the Court.

Learned Counsel for the petitioner submits that in FIR No.166 dated 13.8.2006, under Section 379 IPC, PS Shahkot, District Jalandhar, he was one of the accused. That case ultimately resulted in acquittal but the petitioner did not appear in that case because he was arrested in FIR No.205 dated 20.11.2009, under Sections 307, 324, 323, 148, 149 IPC & 25/54/59 of the Arms Act, PS Phillaur, District Jalandhar. According to him, he has now been acquitted in FIR No.205 vide judgment and order dated 18.3.2014. I have perused the judgment and order dated 18.3.2014 by which the petitioner was acquitted in FIR No.205. Perusal of the said judgment shows that the complainant himself was hostile and that appears

to be the reason for his acquittal. Be that as it may, present case under FIR No.166 also resulted into acquittal of other accused persons except the petitioner who had not joined the said case. Learned Counsel for the petitioner submits that the petitioner wants to join the State prosecution provided he is released on bail.

Learned Counsel for the State opposed the prayer made in this petition. Upon hearing Learned Counsel for the rival parties, I find that no useful purpose would be served in pushing the petitioner in jail for facing the trial in FIR No.166 particularly when all the other accused persons in the said case have been acquitted. That apart, the petitioner has also been acquitted in FIR No.205. In that view of the matter, the proceedings initiated for declaring the petitioner a proclaimed offender are quashed and set aside and the petitioner shall be released on bail upon his surrender by the trial court in FIR No.166 (ibid) and thereafter the trial shall proceed.

Failure on the part of the petitioner to surrender before the trial court shall amount to automatic recall of this order. The petitioner shall pay costs of Rs.5,000/- to the State before the trial court.

Disposed of.

[A.B. Chaudhari]
Judge

November 08, 2016.
kadyan

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No