

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

CRM-M No. 39805 of 2015 (O&M)

Date of Decision: 08.01.2016

Daljit Singh @ Daljeet Singh

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Akashdeep Singh, Advocate
for the petitioner.

Mz. Rimplejeet Kaur, AAG, Punjab
for the respondent/State assisted by ASI Atamjeet Singh.

Mr. Mohd. Yousaf, Advocate
for respondent No. 2-complainant.

JASWANT SINGH, J. (ORAL)

Prayer is for grant of regular bail on behalf of the petitioner in complaint case No. 100/1 of 1998, dated 09.05.1997 titled as Parkash Versus Dilbagh Singh and Others, for offences punishable under Sections 302, 34 of the Indian Penal Code, registered at Police Station Kartarpur, District Jalandhar.

The petitioner was summoned to face trial in the aforesaid complaint case after the cancellation report had been submitted. The petitioner was also granted anticipatory bail, however, he could not come back to face trial since he was illegal immigrant working in Canada. The petitioner was, thus, declared proclaimed offender on 08.05.2003.

It is a conceded position that on account of the complainant, as also the other witnesses not supporting the case of the

prosecution, the rest of accused were acquitted by learned Additional Sessions Judge, Jalandhar vide judgment dated 10.01.2004 **(Annexure P-10)**.

The petitioner is stated to have surrendered on 16.11.2015 and is ready and willing to face trial.

Learned counsel for the complainant does not refute the contention that the complainant had not supported the case of the prosecution qua the other co-accused in the previous trial against the co-accused.

Keeping in view the facts of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned.

Disposed of.

January 08, 2016
'dk kamra'

(JASWANT SINGH)
JUDGE