

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

**CRL. MISC. No.M-7492 OF 2017 (O&M)
DATE OF DECISION : 7TH MARCH, 2016**

Amandeep Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

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

* * * *

Present : Mr. Gagandeep Singh Simble, Advocate for the petitioner.

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A. B. CHAUDHARI, J. (ORAL)

Notice of motion.

Ms. Rajni Gupta, Addl. A.G. Punjab accepts notice on behalf of the State.

Rule heard forthwith with consent of counsel for the parties.

Heard learned counsel for the rival parties.

There is challenge to the orders dated 22.02.2014 passed by the SDJM, Gurdaspur (Annexure P-6) by which the petitioner was declared proclaimed offender in criminal case in FIR No.106, dated 04.05.2013 registered under Sections 307, 323, 324, 450, 427, 380, 148 & 149 IPC and Section 25, 27, 54, 59 of the Arms Act in Police Station City Batala.

Learned counsel for the petitioner submits that the trial in the said FIR was held and all the co-accused have been acquitted by the trial Court. He further submits that the petitioner was in fact present before the Court but still he was declared proclaimed offender. He further submits that the petitioner is ready to face the trial but there is obstruction of the order regarding proclaimed offender.

Learned State counsel appears and supported the impugned order.

I have perused the impugned order. Upon hearing learned counsel for the rival parties, I think, the petitioner should be allowed a chance to appear before the trial Court and face the trial. The fact, that the co-accused have been acquitted in the trial that was held, could also become relevant fact to grant the petitioner the liberty and then face the trial before the trial Court. This liberty can also be granted to the petitioner looking to the nature of offences for which the petitioner is said to be tried.

In that view of the matter, I make the following order:

ORDER

- (i) Rule is made absolute.
- (ii) Impugned order DATED 22.02.2014 (Annexure P-6) is set aside.
- (iii) The petitioner is granted anticipatory bail in FIR No.106, dated 04.05.2013 registered under Sections 307, 323, 324, 450, 427, 380, 148 & 149 IPC and Section 25, 27, 54, 59 of the Arms Act in Police Station City Batala, on furnishing bail bonds to the satisfaction of trial Court.
- (iv) The petitioner would continue to appear before the trial Court with promptitude till the completion of trial.
- (v) Any further default would be viewed seriously by the trial Court.

Disposed of accordingly.

7TH MARCH, 2016
'raj'

(A. B. CHAUDHARI)
JUDGE

Whether speaking/reasoned:	Yes	No
Whether Reportable:	Yes	No.