

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-31042 of 2017

Date of Decision: 06.07.2018

Jaswinder Singh @ Jugni

...Petitioner(s)

Versus

State of Punjab & another

...Respondent(s)

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

Present:- Mr. Prashant Vashisth, Advocate
for the petitioner.

Mr. Surinder Pal Singh Tinna, Addl.A.G., Punjab.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in Criminal Complaint No.2/1 dated 23.05.2006 titled as "Dalbir Singh Vs. Gurdev Singh & others under Sections 382, 323, 307, 427, 506, 148, 149 IPC pending in the Court of JMIC, Jagron, Ludhiana.

On a specific query as to how a petition under Section 438 CrPC is maintainable when the accused has been declared as proclaimed offender, counsel submits that since co-accused of the petitioner has been acquitted in the case, there is no possibility of conviction of the petitioner in the present complaint.

At this stage, counsel for the petitioner submits that the petitioner is ready to surrender before the trial Court and therefore, a

suitable direction is issued to the trial Court to decide his bail application within two days.

Prayer so made by learned counsel for the petitioner seems justified.

Accordingly, the present petition is disposed of with a direction that in case the petitioner surrenders before the trial Court and moves an application for grant of bail, the trial Court shall decide the same within two days.

July 06, 2018
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No