

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

**Criminal Misc. No. M-41365 of 2018
Date of decision: 20.09.2018**

Alamdeen @ Alam

..Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. Dinesh Nagar, Advocate for the petitioner.

Daya Chaudhary, J. (Oral)

This petition has been moved under Section 438 Cr.P.C. by petitioner-Alamdeen @ Alam for grant of pre-arrest bail to him in case FIR No.152 dated 11.10.2017 registered under Sections 302 and 201 IPC at Police Station Rahon, District SBS Nagar (Nawanshahr).

Learned counsel for the petitioner submits that co-accused of the petitioner, namely, Saif Ali and Shokat Ali, were arrested whereas another accused, namely, Kaludeen was found innocent during investigation. The petitioner was shown to be not arrested while presenting challan and was kept in column No.2 being proclaimed offender. Learned counsel further submits that co-accused of the petitioner faced trial and have been acquitted by the trial Court vide judgment dated 04.08.2018. The petitioner was never served and was not arrested whereas he was residing at the same address. The petitioner is ready to join the Court proceedings and to abide by all terms and conditions to be imposed by this Court or by the trial Court.

In order dated 07.08.2018 declining bail to the petitioner, it has

been mentioned that the petitioner has been declared proclaimed offender. It

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is also apparent that the petitioner was not arrested and declared proclaimed offender.

By considering the fact that the petitioner is ready to surrender before the trial Court, notice of motion is issued.

On asking of the Court, notice on behalf of respondent-State has been accepted by Mr. C.L. Pawar, Sr. DAG, Punjab.

The petitioner is directed to surrender before the trial Court within a period of one week from the date of receipt of certified copy of this order and in case, he surrenders before the trial Court and moves an application for grant of regular bail, the trial Court is directed to decide the same by considering the evidence as recorded in the case of co-accused, who have faced trial, within a period of two weeks thereafter.

Disposed of accordingly.

20.09.2018
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(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

No