

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

**C.R.M-M No.37220-2017 (O&M)
Date of Decision : 3.4.2019**

Jarnail Singh Petitioner

Versus

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. G.S.Sidhu, Advocate
for the petitioner.

Ms. Amarjit Kaur Khurana, DAG, Punjab.

Mr. Deepak Aggarwal, Advocate
for the complainant.

AJAY TEWARI, J. (Oral)

This petition has been filed against the order dated 1.9.2017 of the Revisional Court whereby the petitioner was declared as proclaimed offender.

The brief facts are that the petitioner was accused in FIR No. 57 dated 20.5.2015 under Sections 307, 323, 336, 447, 511, 148, 149, 120B and 25/27/54/59 Arms Act, P.S. Talwandi Sabo, District Bhatinda. On the expiry of 60 days the petitioner had filed an application for bail under Section 167 (2) Cr.P.C which was allowed and he was released on bail. The prosecution filed a revision against that order and by impugned order the Revisional Court set aside the order of the Trial Court holding that in this case the period of final report was 90 days and not 60 days and cancelled

the bail. The petitioner has challenged that order by this petition. When the case came up for motion hearing, the following order was passed:-

“Notice of motion for 22.11.2017.

Meanwhile, no coercive means shall be adopted against the petitioner till then.

Let records of the trial Court be called in original one day prior to the adjourned day and be sent back immediately after the hearing and if arguments not heard be recalled in a similar manner.”

It is not disputed that since the passing of this order the petitioner has been appearing. In the circumstances, even if the petition is allowed, the question before this Court would be the petitioner should be sent back behind the bars.

In this case, the petitioner has now been facing trial since 3.8.2015 (the date on which the petitioner was released on bail by the Trial Court). To my mind to sent him back in jail would be travesty of justice.

In the circumstances, the petition stands disposed of and the interim order dated 15.3.2018 is made absolute. Record of the case be sent back to the Trial Court forthwith.

Since the main case has been decided, the pending Criminal Misc. Application, if any, also stands disposed of.

3.4.2019

anuradha

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned
Whether Reportable :

Yes/No
Yes/No