

BIR DAVINDER SINGH VS. STATE OF PUNJAB

**IN THE COURT OF SH. GURNAM SINGH DHILLON,
ADDL. SESSIONS JUDGE, JALANDHAR. UID No.PB0195
(NRI Court)**

CIS Case No : BA-304 of 2018
CNR No : PBJL01-000863-2018
Date of Institution: 16.01.2018
Date of Order : 23.01.2018

Bir Davinder Singh, aged about 24 years son of Sh. Kashmira Singh, resident of 36, CASTLEBROOK RISE NE CALGARY AB T3J 1R5, CANADA, ordinarily residing at village Athola, P.S. Lambra, Tehsil & District Jalandhar.

...Applicant-accused

Versus

State of Punjab

...Respondent

FIR No.29 dated 27.04.2011
U/s 452, 323, 506, 34 IPC
P.S.Lambra, Jalandhar.

First Bail application under Section 438 Cr.P.C.

Present: Sh.V.K.Sareen, Advocate, counsel for applicant-accused.
 Sh.Sachin Azad, Additional P.P for State.

ORDER:

1. This order of mine will dispose off the bail application under Section 438 Cr.P.C filed by the applicant-accused Bir Davinder Singh as he apprehends his arrest by the Police of P.S.Lambra, Jalandhar in the subject cited case.
2. It is the case of the applicant-accused that he has been falsely implicated in this case. He has committed no offence. A compromise has

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been effected with the complainant party. His co-accused have already been acquitted. He is ready to appear before the learned trial court and to face trial. He apprehends his arrest. He has therefore, prayed for grant of pre-arrest bail.

3. Notice of the bail application was served upon the State of Punjab through the learned Additional P.P., who appeared and contested the present bail application. Trial court record was summoned and perused.

4. I have heard the learned counsel for the parties and have perused the trial court record carefully.

5. Perusal of the trial court record reveals that the applicant-accused Bir Davinder Singh was summoned along with one Kuldeep Singh under Section 319 Cr.P.C by the learned trial court. The applicant-accused claims that notice of the case was never served upon him and he was declared Proclaimed Offender in his absence. There is no documentary proof on the file regarding the service of notice of the case upon the accused. However, perusal of record reveals that applicant-accused is son of Kashmira Singh, who was facing trial and was finally acquitted vide judgment dated 22.12.2016, so the applicant-accused must be aware of the summoning order passed against him. Since, his co-accused have been acquitted on account of the complainant resiling, in these circumstances, I am of the considered view that no useful purpose will be served by detaining applicant-accused in custody. However, since the applicant-accused failed to appear despite being summoned and therefore, his surrender before the learned trial court will necessitate a re-trial, so he is directed to deposit a sum of ₹25,000/- in the account of the

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District Legal Services Authority, Jalandhar. He is also directed to surrender before the Trial Court/Duty Magistrate on or before 21.02.2018 and in the event of the surrender by the applicant-accused, before the Trial Court/Duty Magistrate, subject to deposit of the sum of ₹25,000/- in the account of the DLSA, Jalandhar, he shall be released on interim bail to the satisfaction of Trial Court/Duty Magistrate. Copy of this order be sent to the learned trial court. Trial court file be also sent back immediately. Compliance be awaited for 28.02.2018

Pronounced in the open Court:

Dated:23.01.2018

*Vivek**

**Gurnam Singh Dhillon,
Additional Sessions Judge,
Jalandhar (UID No.PB0195)
(NRI Court)**