

PBGD010075572018



Presented on : 12-11-2018  
Registered on : 12-11-2018  
Decided on : 17-11-2018  
Duration : 0 years, 0 months, 5 days

**IN THE COURT OF**  
**Additional Sessions Judge, Gurdaspur**  
**(Presided Over by Sh Gurjant Singh)**

**BA/3021/2018**

**Bail application No. 591 of 12.11.2018**  
**CIS No. BA-3021-2018**  
**Date of decision : 17.11.2018**

State                      versus                      Jasbir Singh son of Bela Singh, resident of  
Master Colony, Tarn Taran, Tehsil and District  
Tarn Taran  
***.....Accused/Applicant***

**FIR No. 23 of 17.04.2015,**  
**Under Section 307, 127, 506, 148 read with Sec. 149**  
**of Indian Penal Code and 25 of Arms Act**  
**Police Station: Sadar, Batala**  
**District Gurdaspur**

**2<sup>nd</sup> bail application under section 438 of Cr.P.C.**

Present:                      Shri Pankaj Tiwari, Advocate, for accused/applicant  
Shri H. S. Bajwa, Additional Public Prosecutor for State

**ORDER**  
**(Delivered on 17-11-2018)**

This order of mine will dispose of bail application filed by  
above named accused/applicant under section 438 of Criminal Procedure  
Code.

2.                      Record has been perused. Arguments have been heard.

3. Sh. Pankaj Tiwari, Advocate, learned counsel for accused /applicant has argued that accused/applicant was in judicial custody in above noted case and he was confined in Kapurthala jail in some other case and he was produced by Kapurthala Jail Authorities through video conferencing on 25.07.2018. Case was adjourned for 20.08.2018 from 20.07.2018. Accused/applicant was released by Kapurthala jail authorities on 11.08.2018 and while releasing, jail authorities inadvertently mentioned next date of hearing in above noted case as 20.09.2018 instead of 20.08.2018. Accused did not engage any counsel in above noted case, so on 20.09.2018, he had come to Gurdaspur to attend court, but in cause list of court, case was not enlisted and on inquiry, it had transpired that case is adjourned for 01.10.2018. On 01.10.2018, accused/applicant had come to Gurdaspur and engaged counsel to defend his case and on inquiry, he had come to know that earlier case was fixed for 20.08.2018 and due to non-appearance of accused/applicant on 20.08.2018, surety bonds of accused/applicant were canceled and his non-bailable warrants have been issued. Accused/applicant has never remained absent before 20.08.2018. Absence of accused/applicant was not intentional or willful. A prayer has been made to grant anticipatory bail to accused.

4. These arguments have been refuted by Sh. H.S. Bajwa, learned Additional Public Prosecutor by contending that accused had intentionally absented from trial and he cannot be extended concession of interim bail.

5. I have given due consideration to rival contentions and gone

through record of this case. Perusal of record reveals that accused/ applicant was released on bail vide order dated 11.08.2017 passed by court of Smt. Jaswinder Sheemar, the then learned Additional Sessions Judge, Gurdaspur and intentionally, he did not appear before court on date fixed i.e. 20.08.2018. Accused/applicant has misused concession of bail immediately after grant of the same. Therefore, he is not entitled to relief of pre-arrest bail concession. Hence, application in hand is rejected.

6. Papers be attached with main file.

**Pronounced  
17.11.2018**

**(Gurjant Singh),  
Additional Sessions Judge,  
Gurdaspur**

Rajeev Gupta,  
Stenographer Gr-I

Dictated on : 17.11.2018  
Transcribed on : 17.11.2018  
checked on : 17.11.2018  
Signed on : 17.11.2018

**(Gurjant Singh),  
Additional Sessions Judge,  
Gurdaspur (UID No. PB0080)**

State versus Jasbir Singh

Present: Shri Pankaj Tiwari, Advocate, for accused/applicant  
Shri H.S. Bajwa, Additional Public Prosecutor for State

Main record produced.

Arguments on the bail application heard. Vide my separate  
detailed order of even date, bail application is dismissed.

Papers be attached with main file.

**Pronounced**  
**17.11.2018**

**(Gurjant Singh),**  
**Additional Sessions Judge,**  
**Gurdaspur**

Rajeev Gupta,  
Stenographer Gr-I