

**IN THE COURT OF JASWINDER SINGH,  
ADDITIONAL SESSIONS JUDGE, GURDASPUR**

Bail application No.563/25.09.2019.

CIS No.BA/3043/2019

CNR No. PBGD01-009771-2019

Date of Decision:27/09/2019.

Manpreet Singh son of Jalwinder Singh, R/o vill. Dhaulpur, Tehsil Batala,  
District Gurdaspur.

.....Petitioner/ Accused.

Versus

State of Punjab.

.....Respondent.

FIR No.95 Dated 21/12/2017

U/Ss 304-A, 279, 427 IPC

Police Station Tibber

**1<sup>st</sup> application for bail under Section 438 Cr.P.C. for  
granting Anticipatory Bail.**

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Present: Shri B.S.Bangowani, Advocate, counsel for petitioner.  
Shri K.S.Gill, Additional P.P for respondent-State.

**ORDER**

1. This order of mine shall dispose of an application filed by  
above petitioner for grant of bail under Section 438 of Cr.P.C.

2. Upon notice, learned Additional P.P. appeared and contested  
the bail application. Lower Court record was also requisitioned.

3. Present FIR was registered against the petitioner on the  
allegations that on 20/12/2017, at about 7.30 PM, in the area of Tibri road  
over bridge chowk, he drove Mohindra Pickup in a rash and negligent  
manner and struck against the motorcycle being driven by Gurmeet Masih

and caused his death. Petitioner was arrested and he was released on bail. After completion of investigation, challan was presented in the court. While the case was pending before the learned trial court for evidence, petitioner absented from the Court on 07/08/2019, as such, his bail was cancelled and he was summoned through non-bailable warrants. When the presence of petitioner could not be procured through non-bailable warrants, he was summoned through proclamation.

4. It is submitted by learned counsel for petitioner that petitioner was regularly appearing before the learned Trial Court. The petitioner is a driver by profession and he had gone to Srinagar(J & K) and due to continuous curfew in the valley, he could not appear before learned trial court on 07/08/2019 and on subsequent dates. His absence was not intentional. He is ready to face the trial, so he may be admitted to pre-arrest bail.

5. On the other hand, learned Additional Public Prosecutor submitted that if the petitioner is released on pre-arrest bail, there is every possibility that he will again misuse concession of bail, as such, present bail application may be dismissed.

6. I have heard rival contentions of learned counsel for petitioner as well as of learned Additional Public Prosecutor for State and have perused the record.

7. The perusal of record shows that before 07/08/2019, the petitioner was either himself appearing in the court or his counsel was moving application seeking exemption from his personal appearance.

Keeping in view the fact that petitioner is not a habitual absentee and the reasons mentioned in the application for his absence on 07/08/2019, this court is of the view that the benefit of pre-arrest bail should be extended to the petitioner. Hence, present application is hereby allowed and the petitioner is directed to surrender before the learned trial court/Duty Magistrate, Gurdaspur, within 15 days of this order and on his doing so, he shall be admitted to bail on his furnishing bail bonds to the satisfaction of the learned trial court/Duty Magistrate, Gurdaspur. Lower Court record be returned forthwith coupled with a copy of this order. Record of present bail application be consigned to the record room.

Pronounced  
27/09/2019

Rajiv Sharma,  
Stenographer-I

(Jaswinder Singh),  
Additional Sessions Judge,  
Gurdaspur (UID No. PB0516)

BA 3043 2019      Manpreet Singh Vs State

Present:      Shri B.S.Bangowani, Advocate, counsel for petitioner.  
                 Shri K.S.Gill, Additional P.P for respondent-State.

Lower court record received. Arguments heard. Vide my separate detailed order of even date, bail application has been allowed, subject to the detail mentioned therein. Lower Court record be returned forthwith coupled with a copy of this order. Record of present bail application be consigned to the record room.

Pronounced  
27/09/2019

Rajiv Sharma,  
Stenographer-I

(Jaswinder Singh),  
Additional Sessions Judge,  
Gurdaspur (UID No. PB0516)