

***IN THE COURT OF SHRI PUSHVINDER SINGH, ADDITIONAL
SESSIONS JUDGE, GURDASPUR UID NO.PB-0116***

Bail application no.443 of 6.10.2018
CIS No.BA/00002744/2018
Date of decision:15.11.2018

Jind Masih son of Sadhu Masih, resident of village Chandu Sujja,
P.S.Fatehgarh Churian, Tehsil Batala, District Gurdaspur

....Applicant/accused

Versus

State of Punjab

.....Respondent

FIR No.23 dated 18.3.2017
U/S 61/1/14 Excise Act
Police Station:Fatehgarh Churian

First bail application under section 438 CrPC

Present: Shri R.S.Sandhu, Advocate for applicant/accused
Shri Kiran Kumar, Addl.P.P.for the State

ORDER

1. This application has been filed by applicant/ accused for anticipatory bail stating that on previous date of appearance fixed for 11.9.2018 and on that day, applicant was suffering from high fever and loose motion and he could not attend the court as a result of which bail bonds and surety bonds were canceled and nonailable warrants were issued against him. The absence of the applicant was not intentional.
2. Notice of bail application was given to State, learned Additional Public Prosecutor appeared on behalf of the State and opposed the bail application. Order dated 6.11.2018 passed by learned trial court has been received.

3. I have heard learned Addl.P.P. for the State and learned counsel for the applicant and also gone through the order dated 6.11.2018 passed by learned trial court very carefully.

4. From perusal of the order dated 6.11.2018 passed by trial court, I find that applicant was on bail as he is facing trial for the commission of offence punishable under section 61/1/14 of Excise Act. However, he absented himself from the proceedings of the court on 11.9.2018. The learned trial court has canceled the bail order and his bonds were canceled and he was ordered to be summoned through non bailable warrant of arrest for 14.12.2018. Now, he has come present with the request that he could not appear before learned trial court as he was suffering from high fever and loose motion. So, I feel that one opportunity should be given to the applicant to improve himself as he has come forward himself. So, it was found that when accused came present himself and the applicant/accused was directed to surrender before the learned Trial court before the learned Trial court within 7 days and on doing so, he was ordered to be released on interim anticipatory bail on his furnishing bail bond and surety bond as per own satisfaction of Ld. Trial court/Duty Magistrate. Order of learned trial court dated 6.11.2018 has been received and as per order dated 6.11.2018, applicant/accused Jind Masih has surrendered before the learned trial court and he has also furnished his bail bond and surety bond as per satisfaction of the learned Illaqa Magistrate. So, the application is allowed and interim order dated 1.11.2018 passed by this court is hereby made absolute. Accused/applicant shall be abide by all the terms and conditions of Section 438(2) CrPC. Bail application file be consigned to the record

room. Ahlmad is directed to send the copy of this order immediately to the concerned court.

Pronounced
Dated: 15.11.2018

(Pushvinder Singh)
Additional Sessions Judge,
Gurdaspur UID No.PB-0116

Kuldip Singh Stenographer-I