

**IN THE COURT OF SH. BISHAN SAROOP (PB0449),
JUDGE SPECIAL COURT, TARN TARAN.**

CNR no.PBTT01005127/20202
BA No. 813 dated 21.12.2020
Registration No. BA/3019/2020.
Date of Decision : 04.01.2021

Sukhwinder Singh @ Balajit aged about 26 years son of Sukhdev Singh
resident of village Pandori Golan Tehsil and District Tarn Taran.

-----Applicant.

VERSUS

State of Punjab

FIR No.192 dated 18.07.2018, under
Section 22 of NDPS Act registered at
P.S. Sadar, Tarn Taran.

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Second Regular Bail Application U/s 439 of Cr.P.C.

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Present - For the applicant/accused: Sh. APS Saggu, Adv.

For the State : Mr.Charanjit Singh, Additional P.P.

BAIL ORDER

The present application has been filed under Section 439 of the Criminal Procedure Code, for grant of regular bail to the applicant in case arising out of FIR No.192 dated 18.07.2018, under Section 22 of NDPS Act registered at P.S. Sadar, Tarn Taran.

2) Notice of this bail application was issued to the State and trial court record was also requisitioned.

3) From the perusal of the record, I find that the applicant/accused was declared proclaimed offender on 23.10.2019. He was in custody since 05.12.2019.

4) Learned counsel for the accused/applicant submitted that the police of P.S. city has registered a false and frivolous FIR against the applicant/accused, who is innocent and has been falsely implicated. He further submitted that the petitioner was granted interim bail by this Hon'ble court vide its order dated 20.09.2018 and the petitioner was got

himself absented before this Hon'ble Court due to his ill health on 16.02.2019 and ultimately declared offender by this Hon'ble Court on 23.10.2019. The petitioner himself surrenders before this Hon'ble Court on 05.12.2019 and since then he is in custody for the last more than 01 year. With these submissions, he prayed that accused-applicant may be ordered to be released on bail.

5) On the other hand, Learned Additional Public Prosecutor for the State has hotly opposed the averments put up in the bail application by submitting that applicants without any cause remained absent from the court for the long span and as such, no ground is made out for his bail. He further submitted that for the entire period of absent, the applicant managed to remain away from the process of law and as such, an act on the part of the accused, where he willfully remained absence, during trial, renders himself liable for rejection of present bail application.

6) Having heard the rival contentions of the parties and without expressing any opinion on the merits of the case, I am of the view that admittedly, the accused was absented from the proceedings of the this court and thereafter, he was remained absent and he was declared Proclaimed offender on 23.10.2019 and he was in custody since 05.12.2019. Regarding his absence, the applicant has not placed any cogent material. The conduct of the applicant is such that he evaded the process of law for long. The proceeding was withheld with considerably long period due to the conduct of the applicant. It is apt to mention that in **Parminder Singh Versus State of Punjab, 2003 (4) RCR (Criminal), 745**, it has been held by our own Hon'ble High Court that once the accused declared proclaimed offender, he is not entitled to relief of any anticipatory or regular bail.

7) In view of the above said facts and circumstances, no ground for grant of regular bail to the applicant is made out. Hence, instant bail application filed U/s 439 of Cr.P.C. being bereft of any substance, is hereby dismissed. Paper be attached with the main file.

Pronounced In Open Court on :
04th day of January, 2021.

(Bishan Saroop PB0449)
Judge, Special Court
Tarn Taran.

BA/3019/2020

Sukhwinder Singh vS State

Present - For the applicant/accused: Sh. APS Saggu, Adv.

For the State : Sh.Charanjit Singh, Additional P.P.

Record file has been received and attached. Arguments heard and vide my separate detailed order of even date, the present bail application is dismissed, as detailed therein. Paper be attached with the main file.

Pronounced In Open Court on :
04th day of January, 2021 .

(Bishan Saroop PB0449)
Judge, Special Court
Tarn Taran.

Aman Dhiman
Stenographer Gr.III