

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

**CIS No.BA/2939-2021
CNR No. PBGD01-006125-2021
Date of Order: 22.09.2021**

Tehal Singh aged about 65 Years son of Sadhu Singh, resident of VPO
Purana Shalla, Tehsil and District Gurdaspur.

.....Petitioner

Versus

Ravinder Singh son of Jograj Singh resident of VPO Purana Shalla Tehsil
and District Gurdaspur.

.....Respondent.

Complaint under Sections 323,348,148,201,379,295-A,120-B IPC
P.S. Purana Shalla.

2nd bail application under section 438 Cr.PC

Present: Sh. U.R.Sharma, Advocate, counsel for petitioner.
Sh.K.S.Kattal, Advocate counsel for the respondent

ORDER

1. This is an application under Section 438 of Cr.P.C. filed
by the petitioner seeking anticipatory bail for the alleged commission
of offence as mentioned above.

2. Upon notice, Sh. K.S. Kattal, Advocate put in appearance
on behalf of respondent and contested the bail application. Lower
court record was also requisitioned.

3. The brief facts of this case are that complainant Ravinder
Singh filed a complaint against the present petitioner and other
accused. After recording of preliminary evidence, present petitioner

and other accused were summoned by learned trial Court vide order dated 19.07.2018 to face the trial for the alleged commission of offences under Sections 323,149,295-A IPC.

During the pendency of complaint, petitioner absented from the ld. Lower Court on 12.12.2019, as such, his bail bonds and surety bonds were cancelled and forfeited to State and he was summoned through non-bailable warrants.

4. It is submitted by learned counsel for petitioner that earlier the petitioner had been regularly appearing before the learned trial court. Petitioner is a patient of blood Cancer and he is under treatment at Dayanand Medical College and Hospital, Ludhiana since 6.7.2019 and previously, the doctor had treated the petitioner through chemotherapy and on 24.12.2019, the doctors of above said hospital had treated the petitioner through bone marrow transplant, as such, the petitioner is bed ridden, unable to walk since July 2019 and due to this reason, the petitioner could not appear before the Ld. Trial Court. Absence of petitioner was not intentional and petitioner is ready to face trial, so he may be admitted to pre-arrest bail.

5. On the other hand, it is submitted by learned counsel for the respondent that the petitioner did not intentionally turn up before the learned trial court and delayed the proceedings, so the present bail application is liable to be dismissed.

6. I have heard rival contentions of learned counsel for petitioner as well as of learned counsel for the respondent and have

perused the record.

7. Petitioner absented from the Court on 12.12.2019. Thereafter, he immediately moved an application on 13.1.2020 before the Ld. Lower Court for reviewing the order dated 12.12.2019. From perusal of file, it is clear that petitioner is not habitual absentee. He is stated to be suffering from blood cancer. Disposal of trial shall take sufficient long time. No useful purpose would be served by sending the petitioner behind the bars for his absence from the proceedings before the Ld. Lower Court on 12.12.2019. Keeping in view the fact and circumstances, 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 in the sum of ₹ 50,000/- with one surety in the like amount, in the Court of learned Illaqa/Duty Magistrate to his/her satisfaction and subject to the following conditions:-

- i. That he will not leave the country without prior permission of the Court;
- ii. That he will appear on each and every date of hearing;
- iii. That he will not make any threat, promise or inducement to any person conversant with the facts of the case to dissuade him/her from disclosing the truth to the Court or police;

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
Dt:22.09.2021.
Prem Kumar, Stenographer-II

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

Present: Sh. U.R.Sharma, Advocate, counsel for petitioner.
Sh.K.S.Kattal, Advocate counsel for the respondent

Lower court record received. Sh. K.S.Kattal Advocare has appeared and filed Power of Attorney on behalf of respondent.

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
Dt:22.09.2021.
Prem Kumar, Stenographer-II

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