

IN THE COURT OF R.S.RAI, SESSIONS JUDGE, SANGRUR

*** * * ***

Bail Application No.2969 of 28.09.2022

Filing No.....5781 of 27.09.2022

CNR No.....PBSG010082982022

Date of decision.....03.10.2022

Malkeet Singh alias Gora, aged about 29 years, son of Kabul Singh,
resident of village Nauch, Tehsil and District Kaithal (Haryana).

....Applicant/accused

Versus

State

....Respondent

First anticipatory bail application under Section 438 of
Cr.P.C. filed by applicant Malkeet Singh alias Gora

F.I.R. No.103 dated 14.11.2018,
Under Section 61/1/14 of Punjab Excise Act,
Police Station City-I Sangrur.

Present: Shri P.S.Chahal, Advocate, for applicant/accused.
Shri Hardeep Singh Kahlon, Public Prosecutor for State.

ORDER

This order shall dispose of an application moved under
Section 438 of Cr.P.C. for grant of anticipatory bail, on behalf of
applicant/accused Malkeet Singh alias Gora, pertaining to above noted
criminal case.

2. As per case of the prosecution, on 14.11.2018, Malkeet Singh
alias Gora accused was found in possession of 60 bottles of country made
liquor make-Malta (Haryana) in an Innova vehicle bearing registration
No.HR-62-3990, in the area of Sunam Road, Sangrur. Present case was

registered against him. After completion of formalities of investigation, challan was put against him in the Court. The trial was fixed for consideration on charge. On 21.12.2021, Malkeet Singh alias Gora absented himself from the proceedings of the trial, so his bail order was cancelled and his personal bond/surety bonds were forfeited to the State. He was summoned through arrest warrants. Now, apprehending his arrest in this case, applicant Malkeet Singh alias Gora has moved this bail application under Section 438 of Cr.P.C.

3. Notice of this application was given to learned Public Prosecutor for State, who appeared and opposed this bail application. Record of learned lower Court was also summoned.

4. I have heard learned counsel for applicant/accused, learned Public Prosecutor for State and have gone through the record pertaining to this case very carefully, with their able assistance.

Perusal of record shows that applicant/accused Malkeet Singh alias Gora had absented himself from the proceedings of trial on 21.12.2021, as a result of which his bail order was cancelled and he was summoned through arrest warrants. He has taken a plea that on 14.11.2021, he was present in his house. His brother was cleaning the barrel of .32 bore revolver and inadvertently, one shot from the said revolver hit the applicant on his abdominal wall. The applicant was immediately taken to the hospital at Panchkula (Haryana), where he remained admitted till 21.12.2021. The applicant remained on bed for about six months as per advice of the doctor, because of which he was unable to come present in the trial Court on 21.12.2021 to stand the

proceedings of the trial. Learned counsel for applicant/accused submitted that absence of the applicant was not intentional, rather it was beyond his control. Apart from that, the applicant has placed on record copy of his medical record in support of his averments, from which it is clear that his explanation qua his absence appears to be genuine. The case is already old one and if this bail application is rejected, it will cause further delay in the progress of the main trial. Otherwise also, accused himself wants to join the proceedings. He is ready to comply with all the terms and conditions of the bail. Present case is triable by the Court of Judicial Magistrate Ist Class. Keeping in view all these facts and circumstances, this bail application stands allowed and disposed of. It is ordered that if applicant/accused Malkeet Singh alias Gora appears before the trial Court/Duty Magistrate, he shall be admitted to bail to the satisfaction of said Court within 20 days from the date of this order, failing which this bail application shall be presumed to have been dismissed. Anything said in this order is only for the purpose of disposal of this bail application and will not affect the merits of the main trial in any manner. Lower Court record be sent back forthwith along with copy of this order. Record of this bail application be consigned.

Pronounced:
October 03, 2022

(Narinder Kumar)
Stenographer-I

(R.S.Rai)
Sessions Judge, Sangrur
(Unique Identification No.PB0031)

CNR No.PBSG010082982022

BA/2969/2022

Malkeet Singh Versus State

Present: Shri P.S.Chahal, Advocate, for applicant/accused.
Shri Hardeep Singh Kahlon, Public Prosecutor for State.

Shri Hardeep Singh Kahlon, Public Prosecutor has put in appearance on behalf of State. Lower Court record received. Arguments heard. Vide my separate detailed order of today, this bail application stands allowed and disposed of. Lower Court record be sent back forthwith along with copy of order. Record of this bail application be consigned.

Pronounced:
October 03, 2022

(R.S.Rai)
Sessions Judge, Sangrur
(Unique Identification No.PB0031)

(Narinder Kumar)
Stenographer-I