

State Vs Baljeet Singh @ Kala

FIR No. 0027 dated 10.03.2021
U/s 61/1/14 Excise Act.
PS Khuian Sarwar.

Present:- Sh. RS Jossan, Ld. APP for the State
Sh. Sham Sunder Advocate for accused/applicant Baljeet Singh

ORDER:-

This order of mine shall dispose of bail application filed on behalf of applicant/accused Baljeet Singh. It is contended by learned counsel for applicant/accused that the applicant could not come present in this Court, due to some unavoidable circumstances and resultantly the Court declared P.O to the applicant. It is further contended that no useful purpose will be served by keeping the accused behind the bars since the trial shall take considerable time. It is further contended that the applicant/accused belongs to a noble family and having a very good reputation in the area of Sub-Division Abohar. It is further contended that the applicant could not think to abscond or leave India without the permission of the Court and also undertakes to abide by any condition imposed by the Court. Lastly, he prayed that the accused/applicant be released on bail.

2. Notice of this bail application was issued to Ld. APP for the State who appeared but did not file any reply to the same, vehemently contested the bail application and submitted that the accused is not trust worthy person and there are chances of his absconding, so accused is not entitled for concession of bail and the same may be dismissed.

3. I have heard the rival contentions of the Ld. APP for the State and Ld. defence Counsel and judicial file perused.

4. After hearing the contentions of learned APP for the State as well as counsel for the accused, and after perusing the judicial file, it is revealed that the

accused has failed to appear in the court on 27.04.2022, when the case was fixed for prosecution evidence and his bail bonds and surety bonds were canceled and forfeited to the State. However, since then, the applicant/accused failed to put in appearance and was apprehended by the police authorities only on 21.01.2023 after being declared as proclaimed person on 01.11.2022 i.e. after a gap of about 9 months from the date of his absence from the Court proceedings. In the meantime, the court had to resort to the lengthy procedure of procuring his presence through non bailable warrants as well as through issuance of proclamations and ultimately he was declared Proclaimed Person vide order dated 01.11.2022. Further the applicant/accused has not surrendered in the court himself but has been apprehended by the police authorities and produced before the Court and has also intentionally absented himself from the court proceedings and has failed to substantiate his factum of absence with any cogent reason. Therefore, the court has apprehension that if the applicant/accused is allowed the concession of bail, he might misuse it by absconding or by evading the process of the Court.

5. Therefore, keeping in view the abovesaid discussion, the bail application of accused Baljeet Singh (earlier Proclaimed Person) stand **dismissed**. Papers be annexed with the main file/remand papers.

Date of Order 24.01.2023
Rajwinder Kaur
Stenographer-II

Sd/-Rubina Josan
Judicial Magistrate Ist Class
Abohar/UID PB-0540p