

IN THE COURT OF KRISHAN KUMAR SINGLA,
ADDITIONAL SESSIONS, JUDGE, FAZILKA.
(UID NO.PB0226)

Case Details

Case Type	BA
Regn. No.	BA-3067-2025
CNR No.	PBFZC0007716-2025
Date of order	6.11.2025

Bhappi Bai, aged about 60 yeas wife of Pritam Singh, resident of village Chak Kheowali Bodla, P.S. Arniwala, Tehsil and District Fazilka.

-----Applicant

Versus

Narinder Kumar @ Neeta son of Harnam Chand, resident of village Chak Kheowali Bodla, P.S. Arniwala, Tehsil and District Fazilka.

-----Respondent

Criminal Appeal against conviction in complaint case under Sections 326/323 of IPC

BAIL APPLICATION UNDER SECTION 482 OF BNSS

Present: Sh. Rahil Birla, Advocate, counsel for applicant.
Sh. Harjot Singh, learned Additional PP for the State.

ORDER

1. This order of mine shall dispose of anticipatory bail application filed by applicant/accused *Bhappi Bai* in criminal appeal against conviction in complaint case titled as “Narinder Kumar Vs. Baldev Singh etc.” under Sections 326/323 of IPC.
2. The facts of the case are that applicant/accused was convicted by learned trial court vide its judgment dated 2.2.2019 under Sections 323/326 of IPC and applicant/accused preferred appeal which is pending in this court for 19.11.2025 for arguments.
3. Because of this reason that applicant/accused is apprhending his arrest.
4. Notice of bail application was given to respondent. Record was requisitioned.

5. Contention of learned counsel for applicant/accused is that on 30.7.2025 applicant/accused absented from the court as the clerk of Advocate wrongly noted the date so he has not attended the court and his bail order was cancelled and his bail bonds and surety bonds were also cancelled and he was summoned by way of non-bailable warrants of arrest. The absence of applicant/accused was not intentional nor willful. Lastly, he prayed that anticipatory bail of the applicant/accused may be allowed.

6. On the other hand, learned Addl. PP for State has opposed the arguments of learned counsel for bail applicant and has argued that the applicant/accused is intentionally avoiding to appear in the court and even otherwise when accused jumped the bail, application for anticipatory bail is not maintainable and prayed that bail application may kindly be dismissed.

7. Submissions have been considered and file perused.

8. Perusal of record reveals that accused absented on 30.7.2025. It is not disputed before me that accused at one point of time was released on bail vide order dated 1.3.2019 by Court of my learned predecessor after suspension of sentence. Accused absented from the court on 30.7.2025 and now after cancelling bail bonds and surety bonds and forfeiting the same to the State, the presence of accused is being procured through non-bailable warrants of arrest.

9. In the case titled as ***Sanjeev Kumar Vs. State of Haryana and Another CRM-M-48582 of 2021, D/d. 26.11.2021***, Hon'ble Punjab & Haryana High Court while relying upon pronouncement of The Hon'ble Supreme Court in ***Manish Jain V. Haryana State Pollution Control Board, Special Leave to Appeal (Crl.) No.5385/2020, decided on 20.11.2020*** has held that anticipatory bail cannot be granted to a person who has jumped bail since such a person is already in constructive custody of law, and

an application for anticipatory bail apprehending arrest is unsustainable. Similarly, In the case titled as *Pawan Kumar Vs. State of Haryana and another CRM-M-39172 of 2021, D/d. 21.9.2021*, also Hon'ble Punjab & Haryana High Court while relying upon pronouncement of The Hon'ble Supreme Court in *Manish Jain V. Haryana State Pollution Control Board, Special Leave to Appeal (Crl.) No.5385/2020, decided on 20.11.2020* has held that anticipatory bail under Section 438 Cr.P.C. cannot be invoked for apprehension of arrest due to jumping bail or issuance of arrest warrants after bail cancellation.

10. In this case when admittedly applicant/accused jumped bail and now his presence is being procured by court then in view of law laid down by Hon'ble High Court, in this case accused cannot be said to be entitled for anticipatory bail.

11. So application for anticipatory bail is having no merit and stands dismissed.

12. However, this court considers that accused absented only one date. In these circumstances, in case accused surrenders within 10 days from today and moved application for surrender and bail then after considering the facts and circumstances, bail will be decided on the same day.

13. Bail application be attached with the main file.

Pronounced in open Court.

Typed by

Deepak Kumar

Stenographer Gr.II

(Direct Dictation)

Dated:- 6.11.2025

Sd/-

(Krishan Kumar Singla)

Additional Sessions Judge

Fazilka. (UID No.PB0197)