

**IN THE COURT OF JASWINDER SINGH,
ADDL. SESSIONS JUDGE, GURDASPUR**

Bail Application No. 64 of 31/01/2022

CIS No. BA/270/2022

CNR No. PBGD01-000637-2020

Date of Decision: 01/02/2022

Kulwinder Singh @ Sabi @ Baba son of Kalu Singh, resident of H.No.
364/5, Sangalpura Mohalla, Gurdaspur, Tehsil and District Gurdaspur.

.....Petitioner.

Vs.

State of Punjab

.....Respondent

FIR No. 78 Dated 19/06/2020

U/Ss 379-B, 411, 201 IPC

Police Station Tibber

First Bail application under Section 438 Cr.P.C.

Present: Shri. S.S. Dhillon, Advocate, learned counsel for petitioner
Shri. Kiran Kumar, Ld. Additional P. P for State

ORDER

1. Present application has been filed by the petitioner seeking pre-arrest bail under Section 438 of the Code of Criminal Procedure.

2. Upon notice, learned Additional P.P put in appearance on behalf of respondent-State and contested the bail application.

3. Present FIR was got registered by Abhishek Sharma regarding the snatching of his mobile phone make Samsung J-7 and ₹ 1200/- by Goldy Kumar, Sahil Gill and four unknown persons on

05.06.2020. Petitioner was arrested and thereafter, he was admitted to regular bail. After completion of investigation, challan was presented. While the case was pending for prosecution evidence, petitioner absented from the Court on 23/11/2021, so his bail order was cancelled and bonds were forfeited to State and he was summoned through non-bailable warrants.

4. It is submitted by learned counsel for the petitioner that petitioner could not appear before this Court on 23.11.2021 as his mother was seriously ill and she has passed away on 25.01.2022. Due to serious conditions of his mother, he could not inform his counsel regarding his non appearance. His absence was not intentional. He is ready to face the trial, so he may be admitted to pre-arrest bail.

5. On the other hand, learned Additional Public Prosecutor submitted that absence of petitioner was intentional. If he is released on pre-arrest bail, he can again misuse the concession of bail, so the present bail application may be dismissed.

6. I have heard rival contentions of learned counsel for petitioner as well as of learned Additional Public Prosecutor for State and have perused the record.

7. Petitioner absented in this case on 23.11.2021. A perusal of file shows that petitioner is not a habitual absentee. No purpose would be served by sending the petitioner behind bars. Hence, the present bail application is hereby allowed and the petitioner is

directed to surrender before the court within 15 days and to furnish bail bonds in the sum of ₹ 50,000/- with one surety in the like amount, subject to the following conditions:-

- i. That he shall not leave the country without prior permission of the Court;
- ii. That he shall 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;
- iii. That he shall regularly appear before the court.

Record of this bail application be attached with the main file.

Pronounced
Dated:01/02/2022.
Gurpreet Singh, Stenographer-II

(Jaswinder Singh)
Addl. Sessions Judge,
Gurdaspur.

Present: Shri. S.S. Dhillon, Advocate, learned counsel for
petitioner
Shri. Kiran Kumar, Ld. Additional P. P for State

Police record produced by ASI Balkar Singh No.
967/Gsp, who suffered a statement that apart from present bail
application, no other bail application of petitioner is pending in any
other court in India.

Arguments heard. Vide my separate detailed order of
even date, bail application has been allowed, subject to the detail
mentioned therein. Record of this bail application be attached with
the main file.

Pronounced
Dated:01/02/2022.
Gurpreet Singh, Stenographer-II

(Jaswinder Singh)
Addl. Sessions Judge,
Gurdaspur.