

CNR No. PBOO1 000904 2021
BA/282/2021

FIR no.120 of 05.12.2019
Under Sections 174-A IPC
P.S. Division no.1, Pathankot.

Rakesh Chauhan, aged 57 years, son of Krishan Kumar Chauhan, resident of Begowal Main Bazaar, Tehsil Bholeth District Kapurthala.

Applicant-accused...

Versus

State of Punjab

Application for pre arrest bail under Section 438 of Cr.P.C.

Present:- Shri J.C. Shukla Advocate counsel for applicant-accused.
Shri Vivek Puri Additional Public Prosecutor for State.
Shri Satyan Mahajan Advocate for complainant.

ORDER

1. My this order will dispose of bail application under Section 438 of the Cr.P.C submitted by applicant-accused Rakesh Chauhan, aged 57 years, son of Krishan Kumar Chauhan, resident of Begowal Main Bazaar, Tehsil Bholeth District Kapurthala.

2. Notice of the bail application has been given to the State.

3. Brief facts of the case are that the FIR was registered against the applicant-accused that he was declared proclaimed person by the Trial Court and intimation was sent to the concerned police station for

recording the FIR under Section 174-A of IPC.

4. Learned Additional Public Prosecutor for State and contested the bail application and he argued that the offence is serious in nature. His bail application should be dismissed.

5. I have heard learned Additional Public Prosecutor for the State and learned counsel for the applicant-accused.

6. On the other hand, learned counsel for accused argued that applicant-accused has been falsely implicated in the false case. Applicant-accused filed bail application under section 438 Cr.PC in the complaint under section 138 of NI Act. This court directed the applicant-accused to surrender before Trial Court within 15 days. Applicant-accused has joined the Trial Court and trial court has released him on bail. Applicant-accused is entitled for the bail under Section 174-A of the IPC.

7. From the submissions of learned counsel for the parties and from the perusal of the file, it is clear that there are specific allegations that applicant-accused was declared proclaimed person by the Trial Court and thereafter, FIR was registered against him under Section 174-A of IPC. This court dismissed the application of applicant-accused under Section 438 of the Cr.PC but direction was given to applicant-accused to file the regular bail before Trial Court within 15 days, but this court has not given the findings on the proceedings conducted under Section 82 of the Cr.PC. The proceedings under Section 82 of the Cr.PC are separated. No revision has been submitted in any other Court. So, the offence under Section 174-A of IPC was made. The offence is serious in nature.

8. Keeping in view of the facts and circumstances, the

applicant-accused is not entitled for the relief of anticipatory bail. The present bail application is therefore dismissed. Copy of this order be sent to concerned quarter. Bail application file be consigned to the records.

(Avtar Singh)
Additional Sessions Judge-I
Pathankot/UID-PB-00086.

Date of order: 16.04.2021
(Mandeep Singh Rana)
Stenographer-II

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Rakesh Chauhan Versus State of Punjab

Present:- Shri J.C. Shukla Advocate counsel for applicant-accused.
Shri Vivek Puri Additional Public Prosecutor for State.

Arguments have been heard on bail application. Vide my separate detailed order of even date, present bail application is dismissed. Copy of this order be sent to concerned quarter. Bail application file be consigned to the records.

(Avtar Singh)
Additional Sessions Judge-I
Pathankot/UID-PB-00086.

Date of order: 16.04.2021
(Mandeep Singh Rana)
Stenographer-II

“I attested the accuracy and
authenticity of this document”