

Jaspreet Singh Vs. State of Punjab
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In the Court of Shri Manjinder Singh,
Additional Sessions Judge, Sangrur.
UID No. PB0064

PBSG010078292022



BA/2788/2022
Presented on : 14-09-2022
Registered on : 15-09-2022
Decided on : 04-10-2022
Duration : 0 years, 0 months, 20 days

Jaspreet Singh aged about 32 years son of Jaspal Singh, resident of village
Kamalpura, Dirba, District Sangrur.

...Accused/applicant.

Versus

State of Punjab

...Respondent.

FIR No.175 Dated 03.09.2022.
Under Section 229-A IPC,
P.S. City Sangrur.

Application under Section 438 Cr.P.C.

Present:- Shri G.S. Chatha, Advocate, counsel for the
applicant/accused.
Shri Savinder Saini, Addl.P.P. for the State.

ORDER:

1. This order will dispose off bail application filed by
applicant/accused under Section 438 Cr.P.C, for releasing him on bail in
this case bearing FIR No. 175 dated 03.09.2022, under Sections 229-A
IPC, P.S. City Sangrur.

Manjinder Singh,
Additional Sessions Judge,
Sangrur. 04.10.2022.

2. Upon notice, this application was contested by Id. Addl.P.P for the State.

3. I have heard learned counsel for the accused/applicant, learned Addl.P.P. for the State and have gone through the file very carefully with their able assistance.

4. Learned counsel for the accused/applicant contended that applicant has been falsely implicated in the present case. The applicant/accused is facing trial for an offence under section 182 IPC before the Court of CJM, Sangrur regularly. Previously the case in question was fixed on 12.08.2022 and the case was adjourned on that day. Inadvertently applicant had noted the next date of hearing as 08.09.2022. On 08.09.2022, when the applicant visited the office of his counsel, then he came to know that case was fixed for 06.09.2022 and due to his absence, his non bailable warrant of arrest was issued and the learned trial court had made a direction to register the case under section 229-A IPC against the accused/applicant. Nothing is to be recovered from the accused/applicant and as such, he is not required for custodial interrogation. Hence, it is prayed that bail application may kindly be allowed.

5. On the other hand, Id.Addl.PP for State contended that offence attributed to accused/applicant is very serious in nature and no leniency is required in such like matters. No exceptional ground is made out to grant anticipatory bail to the accused/applicant. Accused is required

for custodial interrogation. Hence, it is prayed that bail application filed by applicant/accused may kindly be dismissed.

6. From perusal of Police file, this court finds that applicant is seeking anticipatory bail for an offence under section 229-A IPC. This case was registered on the directions of CJM, Sangrur as applicant had failed to appear before the Court. The criminal liability of the accused under section 229-A IPC can not be ascertained at this stage. Nothing is to be recovered from the accused/applicant. When nothing is to be recovered from the accused/applicant, he is not required for any custodial interrogation. Even the accused is not in a position to tamper with the prosecution evidence or to abscond from the Court proceedings. Only his service is to be procured before the learned trial Court. As such, without commenting on the merits of the case in hand, I am of the view that it is a fit case where concession of pre-arrest bail can be given to applicant/accused and accused/applicant is ordered to be released on bail in the sum of ₹50,000/- with one surety in the like amount to the satisfaction of arresting officer/IO, P. S. City Sangrur, subject to the following conditions:-

- a) Applicant/accused shall make himself available for interrogation by a investigating officer as and when required;
- (b) Applicant/accused shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;

(c) Applicant/accused shall not leave the country without prior permission of the Court.

7. Accused/applicant is directed to join the proceedings before Arresting/Investigating officer, P.S. city Sangrur within 15 days from today failing which, this anticipatory bail will be deemed to be dismissed. A copy of this order be sent to the Arresting/Investigating officer, P.S. City Sangrur for necessary compliance. Police file be returned immediately. Bail application file be consigned to record room.

Pronounced
Dated: 04.10.2022
shama Stenographer Gr-I

(Manjinder Singh),
Additional Sessions Judge,
Sangrur. UID No, PB0064.