

IN THE COURT OF SH.NAVAL KUMAR,
ADDITIONAL SESSIONS JUDGE, FEROZEPUR.
(Unique Identification Number PB-0103)

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Case Type	Bail application
CIS No.	BA/2780/2023
CNR No.	PBFZ010073502023
Date of Order	20.11.2023

Amrik Singh aged 22 years son of Gurmej Singh, resident of village Jhugge Nihanga Wala, Dulchi Ke, District Ferozepur.

.....Applicant/Accused

Versus

State of Punjab

.....Respondent.

FIR No.147 dated 11-9-2021 U/Ss: 379-B, 323, 148 and 149 IPC Police Station: Sadar Ferozepur.

First application for bail under Section 438 of the Code of Criminal Procedure.
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Present: Sh.J S Kalra, Advocate, Ld. counsel for the
applicant/accused
Sh. Amit Goklaney, Addl. Public Prosecutor for the State.

ORDER

This order of mine shall dispose of the first bail application filed by applicant-accused under Section 438 of the Cr.P.C. in case **FIR No.147 dated 11-9-2021, under Sections 379-B, 323, 148 and 149 IPC, registered at Police Station Sadar Ferozepur.**

2. Notice of the bail application was given to the Ld. Additional Public Prosecutor for the State. Main trial file has been produced.

3. I have heard learned counsel for the applicant-accused and learned Additional Public Prosecutor for the State and have gone through the record very carefully.

4. It has been contended by learned counsel for the applicant-accused that the FIR has been registered against unknown persons. The applicant is not named in the FIR. No overt act has been attributed to him. He has been nominated in this case vide DDR No.23 dated 13-9-2021 on the statement of the complainant. The identity of the applicant is disputed and the same would be moot point during the trial. There is no specific

allegations of the applicant being armed with any weapon. The challan has already been presented against co-accused and as such custodial interrogation of the applicant is not required. The allegations are yet to be proved by way of leading evidence. The applicant is ready to join the investigation and undertake to co-operate in the investigation. A prayer has been made to admit the applicant-accused to anticipatory bail.

5. Ld. Additional Public Prosecutor for the State, on the other hand, has opposed the bail application of the applicant-accused by contending that he is proclaimed offender. A proclaimed offender is not entitled to the concession of anticipatory bail. A prayer has been made to dismiss the bail application filed by the applicant-accused.

6. From the perusal of the record, it transpires that the applicant-accused failed to appear in the Court after the presentation of the challan in the Court on 10-12-2021 despite issuance of his non-bailable warrants of arrest by the Ld. Trial Court and ultimately he was declared as a proclaimed offender by

the Ld. Trial Court due to his non-appearance in the Court vide order dated 20-5-2023. It is a settled preposition of law that a proclaimed offender is not entitled to the concession of the anticipatory bail. Thus, keeping in view the totality of the facts and circumstances of the case as well as the conduct of the applicant-accused, this court is of the considered opinion that the applicant-accused does not deserve the concession of anticipatory bail. Hence, the bail application, filed by the applicant-accused under Section 438 of the Cr.P.C. is ordered to be dismissed. Bail application file be attached with the main trial file.

Pronounced in the open court.

Dated of Order: 20-11-2023.

sd/-

(Naval Kumar)

Additional Sessions Judge,

Ferozepur. (UID No. PB00103).

Parmjit Singh
Stenographer Grade-II