

**In the Court of Sh. RK Khullar, Addl. Sessions Judge,
Hoshiarpur.
(UID No.PB-0215)**

CNR No.PBHO010096752019

CIS No.BA/2387/2019

Bail application No. 2387 of 2019

Date of institution: 03.10.2019

Date of decision: **05.11.2019**

Baljeet Singh aged about 54 years son of Darshan Singh resident of village Sahu Da Pind, Tehsil Dasuya, Distt. Hoshiarpur.

...Applicant-Accused

Vs.

1.State of Punjab.

2.Shingara Singh son of Jagat Ram resident of village Naraingarh Tehsil Dasuya, Distt. Hoshiarpur.

....Respondents

Bail application under Section 438 Cr.P.C.

Present: Sh. BS Hundal Adv. Counsel for applicant
Ms. Mandeep Kaur Addl. PP for the State

ORDER

1. This order shall dispose of an application filed by the applicant-accused under Section 438 Cr.P.C. for grant of anticipatory bail in complaint under Section 138 NI Act.

2. Notice of the bail application was given to the learned Addl. PP for the state.

3. I have heard the learned counsel for the applicant-accused, learned Addl. PP for the State.

4. The learned counsel for the applicant argued that the

applicant was attending the hearings regularly but suddenly he suffered mental depression and was under going treatment and stood absent from the learned trial court on 13.3.2019 and the trial court cancelled his bail bonds and issued arrest warrants. The applicant is now feeling well and wants to surrender before the learned trial court. The applicant is ready to face the trial as offence is bailable one. He further argued that applicant apprehends his arrest as the police is raiding at his house and accordingly prayed for grant of anticipatory bail .

5. On the other hand, learned Additional Public Prosecutor has strongly opposed the bail application on the ground that the applicant-accused has committed a serious offence and therefore, the applicant-accused should not be extended the concession of anticipatory bail.

6. From the perusal of the record of learned trial court it reveals that Shingara Singh filed a complaint under Section 138 of Negotiable Instrument Act against the applicant-accused and applicant was ordered to be summoned to face trial. The learned counsel for the applicant specifically stated that due to depression applicant-accused jumped the bail. Copy of order dated 13.8.2019 passed by the learned trial court reveals that the accused has not been declared proclaimed offender. The offence is bailable one and

triable by the learned Magistrate. In **Hardev Singh Vs. State of Punjab 2011 (2) RCR (Crl.) 471** it has been held by our Hon'ble High Court that when accused declared PO in bailable offence, then ordinarily he should not be sent to jail if he furnish bails bonds and surety bonds. In the case in hand, from the perusal of the material it reveals that the applicant-accused has not been declared Proclaimed Offender. The applicant is ready to face the trial before the learned trial court. So, under the light of above citation, the applicant is entitled for concession of anticipatory bail and accordingly the application of the applicant is allowed and the applicant is ordered to be released on anticipatory bail in the event of his surrendering before the learned trial Court/Duty Magistrate on his furnishing personal bonds in the sum of Rs.50,000/- with one surety in the like amount to the satisfaction of learned Illaqa/Duty Magistrate. The applicant is directed to surrender before the learned Illaqa/Duty Magistrate within seven days from today. The applicant-accused is further directed not to leave India without the prior permission of the trial Court and he will not tamper with the prosecution witnesses and also will appear before the learned trial Court on each and every date of hearing. File be consigned to the record room.

Pronounced in open Court
Dated: 05.11.2019

(RK Khullar)

(Anil Kumar JW)

Addl. Sessions Judge,
Hoshiarpur.
(UID No.PB-0215)

CNR No.PBHO010096752019

CIS No.BA/2387/2019

Baljeet Singh Vs. State

Present: Sh. BS Hundal Adv. Counsel for applicant
Ms. Mandeep Kaur Addl. PP for the State

Arguments heard. Vide my separate detailed order of even date, bail application is accepted. File be consigned to the record room.

Pronounced in open Court

Dated: 05.11.2019

(Anil Kumar JW)

(RK Khullar)

Addl. Sessions Judge,
Hoshiarpur.

(UID No.PB-0215)

