

**In the court of Sardar Harjeet Singh, Additional Sessions Judge,
Moga. (UID No.PB0131)**

CIS No.BA/2514/2023
CNR No.PBMO010065942023
Date of Order:- 03.11.2023

State of Punjab

Versus

Balwinder Singh alias Baba son of Mohinder Singh resident of Village Mander
Kalan, Kot Ise Khan, District Moga.

....Accused/Applicant

FIR No. 60 dated 06.11.2018
Under section: 379-B, 201, 411, 34 IPC,
P.S. Fatehgarh Panjtoor.

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Bail Application under Section 439 Cr.PC.

Present: Shri Baljit Singh, Advocate for applicant/accused
Shri Amrit Mittal, APP for the state

ORDER

Vide this order, I intend to dispose of bail application under Section
439 Cr.P.C filed by applicant-accused in the FIR mentioned above.

Record received and perused.

Learned counsel for accused/applicant has argued that the accused/
applicant was absented from the proceedings of this case and due to his absence,
his bail order was cancelled and his bail bonds were forfeited to the State and he
was ordered to be summoned through warrants of arrest. However, accused was
reported to be lying lodged in Modern jail, Kapurthala in some other case and
therefore he was produced before this court on 02.09.2023 in pursuance of
production warrants issued by this court and was taken in to custody and since
then he is in judicial custody. The completion of trial will take long time and no
useful purpose would be served by keeping the accused/applicant behind the bar
for an indefinite period. Lastly, he prayed that applicant-accused be released on
bail.

On the other hand, learned Addl. PP for the State argued that accused/applicant has misused the concession of bail. It is not a fit case where concession of bail can be granted to the accused/applicant. Lastly, he prayed that bail application be dismissed.

I have considered the submissions of learned Counsel for the applicant-accused and learned Addl. PP for the State.

Perusal of record goes to show that accused/applicant was absented from the proceedings of this case and he was ordered to be summoned through non bailable warrants of arrest and was reported to be lying lodged in Modern Jail, Kapurthala. On 02.09.2023 accused was produced before this court and was taken in to custody in this case and since then he is in custody. Accused has learnt sufficient lesson for remaining absent from the court without any intimation of the court. The completion of trial will take a lot of time. No useful purpose would be served by detaining the applicant-accused behind bars for an indefinite period. So, in these circumstances and without much commenting upon merits of the case, bail application is allowed and applicant-accused is again ordered to be admitted on bail on furnishing his personal bonds in the sum of ₹ 75,000/- with one surety in the like amount subject to following conditions:-

- (i) that applicant shall not leave the country without prior permission of the Court;
- (ii) that he shall appear in each and every date of hearing;
- (iii) that he shall not tamper with the prosecution evidence or shall not threat any prosecution witness.

File be tagged with the main file pending before this court.

Pronounced.
03.11.2023.
(Gagandeep, Stenographer II)

(Harjeet Singh)
Additional Sessions Judge,
Moga. (UID No.PB0131)

Present: Shri Baljit Singh, Advocate for applicant/accused
Shri Amrit Mittal, APP for the state

Record received and perused. Arguments heard. Vide my separate order of even date, the present bail application stands allowed. Present file be tagged with the main challan file.

Pronounced.
03.11.2023.
(Gagandeep, Stenographer II)

(Harjeet Singh)
Additional Sessions Judge,
Moga. (UID No.PB0131)