

**IN THE COURT OF KIRAN BALA, ADDITIONAL SESSIONS
JUDGE, BATHINDA. (UID No.PB0147)**

CRN No. BA/2575/2019
CNR No. PBBT01-010733-2019
Order Dated : 3.9.2019

FIR No. 111 of 11.5.2018
U/s 61 Excise Act, 1914
P.S. Raman.

Ajaib Singh, aged about 45 years s/o Beera Singh @ Hamir Singh r/o village
Giana, Distt. Bathinda.

..... Accused/Applicant.

Versus

State of Punjab.

..... Respondent.

Bail application U/s 438 Cr.P.C.

Present : Sh. R.S. Behniwal, counsel for applicant/accused.
Sh. P.S. Chahal, Addl. PP for the respondent/State.

ORDER :

1. The instant bail application for grant of pre-arrest bail under section 438 of Cr.P.C., has been filed by the above said applicant, who has been named as accused in above referred FIR.
2. As per averments made by the applicant, the above noted case is pending adjudication before the trial court and he could not appear before the court on 16.7.2019, due to which his bail bonds/surety bonds were cancelled and he was ordered to be summoned through warrants of arrest. It is further submitted that the applicant/accused mistook the next date of hearing as 16.8.2019 instead of 16.7.2019, due to which he could not appear before the court below. Thus, the absence of the accused/applicant was neither intentional nor willful, rather the same was on account of above

said bona fide reason.

3. Upon notice, Additional Public Prosecutor appeared on behalf of respondent/State who contested the bail application and prayed for its dismissal.
4. I have heard Learned counsel for the applicant/accused, learned Addl. Public Prosecutor for the State and gone through the material on record. Arguments have been made ad-verbatim.
5. Perusal of record of trial court reveals that the accused absented from the proceedings before the trial court on 16.7.2019 and accordingly, his bail order was cancelled and bail bonds/surety bonds were cancelled and forfeited to state and he was ordered to be summoned through warrants of arrest. Since trial is already going on before the learned trial court, as such, there appears to be no need of custodial interrogation of the accused/applicant for any purpose. As such, without commenting upon the reason of absence of accused/applicant, this application is allowed and accused/applicant is directed to surrender before the Trial Court/Duty Magistrate within a period of 15 days from the date of passing of this order and on his doing so, he shall be admitted to bail, subject to furnishing bail bonds in the sum of Rs. 50,000/- with one surety in the like amount to the satisfaction of the Trial Court/Duty Magistrate. Bail applicant shall appear before the trial court regularly without fail. Accordingly, this bail application stands disposed off. It is made clear that if the accused/applicant will not surrender before the trial court/duty Magistrate within the stipulated period of 15 days, then this bail order will be deemed to have become infructuous. Lower court record be

returned forthwith, along with copy of this order. File of this bail application be consigned to the record room.

Pronounced in open Court.

Dated: 3.9.2019.

(Kiran Bala),
Additional Sessions Judge,
Bathinda.
(UID No.PB0147)

Suraj Mohan SG-II.

CRN No. BA/2575/2019
CNR No. PBBT01-010733-2019

Major Singh Vs. State

Present : Sh. R.S. Behniwal, counsel for applicant/accused.
Sh. P.S. Chahal, Addl. PP for the respondent/State.

Record received. Arguments heard. Vide my separate detailed order of even date, this bail application stands allowed. Lower court record be returned forthwith, along with copy of this order. File of this bail application be consigned to the record room.

Pronounced in open Court.

Dated: 3.9.2019.

(Kiran Bala),
Additional Sessions Judge,
Bathinda.
(UID No.PB-0147)

Suraj Mohan SG-II.