

**IN THE COURT OF PARMINDER SINGH RAI,
ADDITIONAL SESSIONS JUDGE, GURDASPUR**

CIS No.BA/100/2025
CNR No. PBGD01-000234-2025
Date of Decision: 17/01/2025

Mandeep Singh @ Lalli s/o Kulbir Singh, r/o village Narainipur, P.S.
Purana Shalla, Tehsil and District Gurdaspur.

.....Petitioner

Versus

State of Punjab.

.....Respondent.

FIR No. 31 dated 05.06.2011,
under Sections 323,324,34 IPC,
Police Station: Tibber

Application for bail under Section 482 BNSS

Present: Shri Munish Kumar, Advocate, counsel for petitioner.
Sh. O.D.S Malhi, Ld. Addl. P.P for the State.

ORDER

1. Present petition has been filed by petitioner seeking pre-arrest bail under Section 482 of BNSS for the alleged commission of offences as mentioned above.
2. Upon notice, learned Additional P.P put in appearance on behalf of respondent-State and contested the bail application.
3. It is submitted by learned counsel for petitioner that petitioner could not put his appearance before the learned trial court as he was managing to go abroad and during the course of PCC, it was transpired that he has been declared proclaimed offender vide order dated 26.10.2012. He was not aware about said order of

proclaimed offender. Petitioner is ready to face trial, so he may be admitted to pre-arrest bail.

4. On the other hand, it is submitted by learned Additional Public Prosecutor that petitioner intentionally absented from the Court in order to delay the proceedings, so the present bail application is liable to be dismissed.

5. I have considered the contentions of learned counsel for petitioner as well as Ld. Addl. Public Prosecutor and also perused the record.

6. As per record, when the challan was filed that was filed in the absence of the accused/applicant and notice to him was issued and there has not been mention as to whether he absented in the court even after the service of summons upon him. Even there has not been the case that accused/applicant even jumped the bail. The offences had been bailable one and would always remain bailable. The issuance of proclamation thus would be only to procure the presence of accused only. Though accused-applicant has been declared proclaimed offender, however, offences being bailable one, accused can claim bail as a matter of right. The apprehension of petitioner that he may be sent to jail before the disposal of his bail application by learned trial court, is misconceived. Reliance in this regard is placed on law laid down by Hon'ble Punjab & Haryana High Court in case titled as **Hardev Singh @ Debu Vs. State of Punjab, 2011 (2) R.C.R. (Criminal) 471**. Keeping in view the fact that offence is

still bailable, this application seeking anticipatory bail is not maintainable. Hence, present application is hereby dismissed being infructuous. However, accused-applicant would be at liberty to surrender before the trial court within 10 days and in case of such surrender, the learned trial court shall proceed as per law and in case any bail application is moved for regular bail by accused-applicant and same shall be disposed off expeditiously and preferably within 2 days. Lower court record be returned alongwith copy of this order. Record of present bail application be consigned to Record Room.

Pronounced
Dated:17/01/2025
Gurpreet Singh , Stenographer-II

(Parminder Singh Rai)
Addl. Sessions Judge,
Gurdaspur.

Present: Shri Munish Kumar Advocate, counsel for petitioner.
Sh. O.D.S Malhi, Ld. Addl. P.P for the State.

Police record produced. Arguments heard. Vide my separate detailed order of even date, present bail application has been dismissed with direction to surrender before the learned lower court as detailed therein. Lower court record be returned alongwith copy of this order. Record of present bail application be consigned to Record Room.

Pronounced
Dated:17/01/2025
Gurpreet Singh , Stenographer-II

(Parminder Singh Rai)
Addl. Sessions Judge,
Gurdaspur.