

IN THE COURT OF DR RAM KUMAR SINGLA,
UID No. PB-0122,
ADDITIONAL SESSIONS JUDGE,
KAPURTHALA.

CNR No.
PBKP010028432021



Case No. BA/1003/2021

Presented on : 26-05-2021

Registered on : 27-05-2021

Decided on : 08-06-2021

Jaspal Singh @ Jassa, s/o Gurdeep Singh, aged about 26 years, r/o Village Burewal, Tehsil Sultanpur Lodhi, District Kapurthala.

..... Applicant/ accused.

Versus

State of Punjab.

..... Respondent.

FIR No.331 of 05.10.2020,
Under Section 379-B of Indian Penal Code,
Police Station – Sultanpur Lodhi, District Kapurthala.

Application for anticipatory bail under Section 438 Cr.P.C.

Present: Sh.V.S.Nandha, Advocate for the applicant/accused, through video-conferencing.

Ms.Aarti Mehta, Additional PP for the State.

O R D E R

Record perused. This order of mine shall dispose of this present bail application under section 438 Cr.P.C., moved by above named applicant/ accused, in the aforesaid FIR No.331 of 05.10.2020. Arguments have been heard.

2. Briefly, the prosecution allegations necessary to be detailed herein for disposal of the present regular bail application are that the complainant Rajwinder Kaur made the allegations that on 02.10.2020, she along with her mother-in-law was going back to their house after completion of their domestic work at Kapurthala on Activa Scooter bearing registration No.PB-08-DA-8815. As and when they reached in the area of Khaira Dona, Police Station Sultanpur Lodhi, District Kapurthala, one motorcycle came from their back side and the rider of the said motorcycle after snatching the right ear gold earring of the mother-in-law of the complainant and after pushing her from the scooter, ran away from the spot towards the side of Sultanpur Lodhi. Due to the aforesaid act of the snatcher, complainant and her mother-in-law fell down on the ground and received injuries on their persons. Thereafter, the present applicant/accused was apprehended in some other case and on the basis of his disclosure statement in that case, he was apprehended in the present case on 25.01.2021 and in view of his disclosure statement, recovery of Rs.2000/- cash was effected, as he had sold the aforesaid snatched earring for Rs.5000/- and spent Rs.3000/- out of that amount. Thereafter, he remained on bail to that allegations and was facing the proceedings of the trial court. Now, on absented from the proceedings of trial court before the learned trial court, which resulted into issuance of non bailable warrants against him to procure his presence, as is evident from the order of learned trial court dated 24.02.2021 placed on record by

learned counsel for the applicant/accused. Now, apprehending of his arrest in view of his that conduct, the applicant has preferred his present anticipatory bail application on the grounds that his absence from the proceedings of the learned trial court was neither willful nor intentional, but due to misunderstanding of date of hearing.

3. The learned counsel for the applicant/accused has argued that he is ready to join the proceedings of the trial. His absence from the proceedings of the trial court leading to issuance of his non bailable warrants of arrest was neither intentional nor willful. The learned APP for the State has replied that the act & conduct of the applicant/accused does not warrant the concession of anticipatory bail to him.

4. I have heard learned counsel for the applicant and learned Addl. PP for the State. Now, action to be taken by the learned trial court against the applicant is just to procure his presence, which does not warrant his custodial interrogation. As he already remained on bail to that allegations of present FIR. However, regarding his absence from the proceedings of trial court, he can be punished by initiating the proceedings against him under section 446 Cr.P.C.

5. Consequently, by allowing the application under reference, the present applicant/ accused is hereby directed to surrender before the learned trial court **within 10 days from today** and on his surrendering, he will be admitted on bail on furnishing the bail bonds and surety bonds subject to the satisfaction of learned trial court. Failing to comply this order within that prescribed period by the applicant/ accused, this order

shall stand vacated of interim bail to him. This order of interim bail to the applicant/ accused is subject to the compliance of necessary provisions of Section 438 (2) of the Code of Criminal Procedure by him. The learned trial court is at liberty to initiate the proceedings under section 446 Cr.P.C. against the applicant/accused. Record be returned accordingly. Copy of this order be sent to the learned trial court. This bail application file be consigned to the judicial record room.

Pronounced in open Court.

Dated: 08.06.2021.

Kaushal Kumar

(Dr Ram Kumar Singla),
Additional Sessions Judge,
Kapurthala. (UID No. PB-0122)

(Directly dictated on computer)