

**IN THE COURT OF UPINDER SINGH JANDU,
ADDITIONAL SESSIONS JUDGE, SANGRUR.
(UID Number PB00842)**

Case Type	Bail Application
Registration Number	2566 Date of Registration : 24.07.2026
CNR Number	PBSG01-006375-2026
Date of Decision	29.07.2026

Gurcharan Ram alias Gurcharan Singh aged 32 years son of Billu Ram,
resident of Kareem Nagar alias Chicharwal, District Patiala.

...Applicant/accused

Versus

State of Punjab

...Respondent

Application under Section 482 BNSS for grant of Anticipatory Bail

FIR No. 262 Dated 08.10.2019
Under Section 407, 473, 120-B IPC.
Police Station Sadar Dhuri.

Present: Sh. Jatinder Kumar, Advocate for applicant/ accused.
Sh. H.R.Goyal, Additional Public Prosecutor for the State.

ORDER

1. Present anticipatory bail application has been filed by the applicant/accused in a case FIR number 262 Dated 08.10.2019 Under Section 407, 473, 120-B IPC Police Station Sadar Dhuri.

2. In pursuance of notice of the application having been issued, the learned Additional Public Prosecutor for the respondent-State has put in appearance. Record of Learned Trial Court has been perused.

3. I have heard the learned counsel for the applicant/accused

(Upinder Singh Jandu)
Additional Sessions Judge,
Sangrur. (UID Number PB00842)

and learned Additional Public Prosecutor for the State and have gone through the record.

Arguments advanced by the learned counsel for the Applicant/accused:

4. The learned counsel for the applicant/accused has submitted that an FIR was got registered by the applicant/accused on 15.12.2025 as he was attacked by Satpal Ram and others and he was under treatment owing to which he could not appear before the learned Trial Court on the date fixed and due to his absence, he was declared as proclaimed person by the learned Trial Court vide order dated 04.07.2026. Applicant did not absent himself intentionally but due to above said reason. He undertakes to appear before the Trial Court on each and every date of hearing. It has been prayed that he be granted anticipatory bail.

Arguments advanced by Learned Additional Public Prosecutor for the State:

5. On the other hand, learned Additional Public Prosecutor for the State has opposed the bail application on the ground that applicant/accused has been intentionally not appearing in the Court resulting in procrastination of the trial of the case. The accused/applicant has been declared as a proclaimed person vide order dated 04.07.2026. It has been prayed that bail application be dismissed.

Factual matrix of the Case:

6. Perusal of the record shows that due to absence of accused, his bail bonds were cancelled and he was summoned through non-bailable

(Upinder Singh Jandu)
Additional Sessions Judge,
Sangrur. (UID Number PB00842)

warrants and he was declared as proclaimed person by the learned Trial Court vide order dated 04.07.2026.

Findings:

7. After giving my thoughtful consideration to the rival submissions and on careful perusal of the averments put in the application, perusal of the record, coupled with the assistance rendered, it is pertinent to make mention that perusal of the record reveals that an FIR has been registered against Satpal Ram by the applicant/accused in the year 2025 owing to which he himself has absented from the learned Trial Court and now he is seeking anticipatory bail for appearance before the Trial Court. In this regard, reliance is placed on findings of **Hon'ble Apex Court in The State of Haryana vs. Dharamraj 2023 INSC 784** and of **Hon'ble Punjab and Haryana High Court in Shahid Malik alias Shahid Chuha vs. Directorate of Enforcement CRM-9887 of 2022** in which it has been held that proclaimed offender is not entitled to the relief of anticipatory bail. **As per findings of Hon'ble Apex Court in Manish Jain vs. Haryana Pollution Control Board, 2022(1) SCC (Cri) 676** it has been **held that** an accused on bail is presumed to be in constructive custody of the Court and if he absents himself; he is not entitled to the relief of anticipatory bail.

8. A bare reading of the opening words of section 438CrPc/482BNSS provide that the object of anticipatory bail is to provide the relief to the applicant/accused who anticipates/apprehends his

(Upinder Singh Jandu)
Additional Sessions Judge,
Sangrur. (UID Number PB00842)

arrest on accusation of commission of a non-bailable offence. Keeping in view the factual matrix of the case in hand, applicant/accused is not apprehending his arrest on accusation of having committed any non-bailable offence but is apprehending his arrest on account of his own willful neglect in voluntarily absenting himself from appearance before the Trial Court in which he has now been declared a proclaimed person. There cannot be any apprehension of arrest to a person who is already in constructive custody of law as held in **Manish Jain vs Haryana Pollution Control Board, 2022(1) SCC (Cri) 676 as detailed supra**. In view of the law discussed supra the accused/applicant is thus not entitled to the relief of anticipatory bail.

9. Reliance is placed on the findings of **Hon'ble Punjab and Haryana High Court in Pawan Kumar versus State of Haryana and Another, CRM-M-39172-2021, decided on 21.09.2021 and Manbir Singh @ Buttar Versus State of Punjab, in CRM-M-41454-2022 decided on 12.09.2022**, wherein observations made in concluding paragraph of judgment passed in **Pawan Kumar's case** (supra), is reproduced as under:

“12. Before parting with this order, it needs to be added that this Court cannot lose sight of the fact that there would be certain cases where an accused is unable to appear before the trial Court on account of genuine reasons, say on account of having noted the date incorrectly or on account of certain reasons which are beyond his control. In such cases, the accused can surrender before the trial Court and it is expected that the trial Courts would take a lenient view in

(Upinder Singh Jandu)
Additional Sessions Judge,
Sangrur. (UID Number PB00842)

genuine cases and decide the regular bail application expeditiously. In a given set of circumstances where the trial Court is satisfied that there were valid reasons for the absence of an accused and that he has surrendered at the shortest possible time, the trial Court can in fact dispose of the regular bail application on the very day the same is presented by accused upon his surrender. The trial Court, in its discretion may also choose to grant interim bail, in fit cases, but only after surrender of accused.”

10. As such, at this stage, in the light of the observations made in **Manbir Singh @ Buttar vs State of Punjab** (supra), applicant/accused is directed to surrender before the learned Trial Court within 10 days from today and move an application for grant of regular bail. The Trial Court shall consider the same expeditiously in view of the observations made in **Pawan Kumar’s case** (supra). Consequently, as a sequel to the above discussion, the bail application is dismissed. However, it is made clear that observation made herein above shall not be construed as an expression of opinion on the merits of the main case. File be consigned to the record room.

Pronounced in open Court.
Dated: 29.07.2026.

(Upinder Singh Jandu)
Additional Sessions Judge,
Sangrur.
(UID Number PB00842)

Sapna, Stenographer Grade-I.

(Upinder Singh Jandu)
Additional Sessions Judge,
Sangrur. (UID Number PB00842)