

**IN THE COURT OF SH.AMAR PAUL
ADDITIONAL SESSION JUDGE, LUDHIANA.**

B/A 1073/2019

CNR No.PBLD010084292019

Date of decision: 8.2.2019

State of Punjab.

Versus

Sumit Kumar son of Raj Kumar resident of Plot No.45, St.No.1,Jawala
Singh Nagar Ludhiana.

.....Applicant

FIR no.59/2016

Under Section: 323/451 IPC

Police Station: Div.No.4, Ldh.

Bail application under Section 438 Cr.P.C.

Present: Sh.Amandeep Singh Adv. Counsel for the applicant.

Sh. Rajbir Singh Chahal Addl. PP for the State

ORDER

1. This order shall dispose off second bail application under Section 438 of Code of Criminal Procedure filed by the applicant/accused.
2. Notice of the bail application was given to the learned Addl. PP for the state. Record of trial court called and received.
3. I have heard the learned counsel for the applicant/accused, learned Addl. PP for the state and perused the record.
4. After hearing the counsel for the applicant, Addl.PP for the state and gone through the record, it has been found that admittedly earlier first anticipatory bail application of the applicant was dismissed by the court of Sh.Munish Singal Ld.ASJ Ludhiana vide order dated 31.7.2018. but now the facts and circumstances of this case have been changed because complainant party has effected the compromise with the applicant on the ground that the complainant party had some doubts and in hurriedly manner FIR was got registered by them against the applicant but

now they have effected the compromise and complainant party would not proceed against the applicant and withdraw the proceedings. The copies of affidavits of complainant Geeta Devi and Raju Paswan as well as compromise are placed on record. These documents are not disputed by the prosecution. Though the applicant was admitted earlier declared proclaimed offender by the Illaqa Magistrate vide order dated 16.1.2018. Challan against the applicant was presented before the Illaqa Magistrate in the absence of applicant after completion of investigation. Offences are bailable one. In the circumstance no purpose shall be served by sending the applicant behind the bars in view of declaration of applicant as proclaimed offender. Applicant is ready to face the consequences of present FIR case for which complainant party filed the affidavit that due to doubt, FIR was got registered against the applicant. As the offences are bailable offences, accordingly anticipatory bail u/s 438 Cr.P.C., is not maintainable and same is ordered to be dismissed. Hence in the interest of justice applicant is directed to surrender before the Ld. trial court/Illaqa Magistrate till 20.2.2019 and on doing so Ld. trial court/Illaqa Magistrate shall release the applicant on bail to its satisfaction on furnishing the fresh bail bonds and surety bonds, failing which thereafter this order shall have no effect. Accordingly bail application is disposed off. Trial court record alongwith copy of this order be returned. File be consigned to the record room.

Komal
Stenographer

Amar Paul
UID-PB0450
Addl. Sessions Judge,
Ludhiana.

Pronounced
Dated 8.2.2019

Present:- Sh.Amandeep Singh Adv.for applicant.
Sh.Rajbir Singh Addl.PP for the state.

Record received. Heard. Vide my separate detailed order of even date, the present bail application is disposed off. Trial court record alongwith copy of this order be returned. File be consigned to the record room.

Komal
Stenographer

Amar Paul
UID-PB0450
Addl.Sessions Judge,
Ludhiana.

Pronounced
Dated 8.2.2019