

Gurtej Singh Vs State of Punjab

Present: Sh. Ranjit Singh Advocate, counsel for the accused/applicant.
Sh. Mumtaz Ali Public Prosecutor for the State.

Applicant/accused has filed this pre-arrest bail application on the allegations that he was on regular bail in FIR No.03 dated 10.01.2017 registered at PS Dhanaula under Section 61 Punjab Excise Act 1914. He was absent on 08.08.2019 as suddenly condition of his mother Sukhpal Kaur who is suffering from Cancer became critical and he took her to Homi Bhabha Cancer Hospital Sangrur for treatment. So in view of the circumstances, he could not appear in the court and he was marked absent and his bail was cancelled and accused/applicant was ordered to be summoned through warrants of arrest. So accused/applicant to be released on pre arrest bail.

2. Notice served upon State and Sh. Mumtaz Ali Public Prosecutor has appeared on behalf of State. Record received.

3. I have heard the arguments and gone through the file carefully. The accused/applicant has placed on file record of Homi Bhabha Cancer Hospital Sangrur. As per summary of treatment there is no transaction of 08.08.2019 and the learned counsel for the applicant/accused pointed my attention on the date 08.08.2019 written in the Clinic notes or management plans but there is no clinic note of 08.08.2019. In such circumstance, when mother of the applicant/ accused was getting regular treatment from Homi Bhabha Cancer Hospital Sangrur, there is no cogent reason for absenting himself from the court proceedings on 08.08.2019 without any intimation. This court is of the opinion that applicant is not entitled for concession of pre

arrest bail. Accordingly present bail application is dismissed. However accused/applicant is directed to surrender before the learned Trial Court and learned Trial Court shall decide the bail application, within a period of two days. Learned Trial Court can initiate proceedings under Section 446 Cr.PC against the accused/applicant. Lower Court record shall be returned and present bail application consigned to record room.

(Virinder Aggarwal)
Sessions Judge, Barnala
(UID PB0045)

Date of order:27.08.2019
Manpreet Kaur (Stenographer-III)