

Present: Sh. NK Arora, Advocate for applicant/accused.  
Ms. Taranvir Kaur, Additional Public Prosecutor for the State.

**ORDER:**

This order will dispose of bail application under Section 439 Cr.P.C. filed by applicant/accused Gurdeep Singh, in case FIR No.22, dated 24.06.2023, under Sections 4(1), 21(1) Mines and Mineral Act, 379 and 120-B IPC, PS, Pojewal.

2. Learned counsel appearing on behalf of applicant/accused has submitted that trial is pending in the Court of learned SDJM, Balachaur. The applicant had to leave India for earning his livelihood and now, he came back from abroad and came to know that he has been declared proclaimed offender. Counsel for applicant/accused has further submitted that applicant/accused himself surrendered in the Court of learned SDJM, Balachaur on 11.08.2023 and since then, he is in custody. Conclusion of trial will take a long time and no useful purpose would be served by detaining him in custody for indefinite period. Prayer has been made for granting bail to the applicant/accused.

3. Whereas, on the other hand, learned Additional Public Prosecutor has vehemently opposed the bail application by submitting that applicant/accused has already misused the concession of bail and he has been declared as proclaimed offender by learned Trial Court. She has also submitted if he is admitted to bail, he may again misuse the concession of bail. Prayer to dismiss the bail has been made.

4. After having considered the submissions raised by learned counsel for applicant/accused, learned Additional Public Prosecutor and

having gone through the entire record carefully, it is found that present application deserves to be dismissed. Record reveals that applicant/accused became absent from the Court proceedings and thereafter, his presence could not be procured despite issuance of non-bailable warrants several times. Ultimately, he was declared as proclaimed offender vide order dated 05.07.2014 by the Court of the then learned SDJM, Balachaur. Thus, meaning thereby he has already misused the concession of bail granted to him. He has stalled the proceedings of the Court for the last more than nine years. If he is admitted to bail there is every possibility that he may again flee from the Court proceedings. Thus, keeping in view of these facts and circumstances, this Court does not deem it fit to grant concession of regular bail of applicant/accused and same is hereby dismissed.

**Pronounced.**  
**Dated:09.10.2023.**

*-Vinay-*

**Karunesh Kumar,**  
**Additional Sessions Judge,**  
**Shaheed Bhagat Singh Nagar.**  
**(UID No.PB-0082)**

Present:Sh.NK Arora, Advocate for applicant/accused.  
Ms.Taranvir Kaur, Additional Public Prosecutor for the State.

Record of learned Trial Court received. Learned Additional Public Prosecutor has produced report of PS, Pojewal, be placed on file. Arguments heard. Vide my separate detailed order of even date, present bail application stands disposed of. Record of learned Trial Court be returned along with copy of this order. Bail application file be consigned to record room.

**Pronounced.**  
**Dated:09.10.2023.**

*-Vinay-*

**Karunesh Kumar,**  
**Additional Sessions Judge,**  
**Shaheed Bhagat Singh Nagar.**  
**(UID No.PB-0082)**