

**THE COURT OF SMT. PRIYA SOOD,
SESSIONS JUDGE, TARN TARAN, UID-PB0065**

CIS No	:	BA/1393/21.
CNR No.	:	PBTT01-003455-2021.
Date of Institution	:	19.05.2021.
Date of Decision	:	31.05.2021.

Shamsher Singh son of Kartar Singh, resident of village Verowal Bawian Da, Tehsil Khadur Sahib, District Tarn Taran.

-----Applicant/accused.

Versus

State of Punjab.

-----Respondent.

FIR No.	:	17 dated 15.04.2016.
Under Section	:	379,427,447 IPC.
Police Station	:	Verowal.

Application under Section 438 Cr.P.C..

Present: Sh. S.S. Sandhu, Advocate, counsel for applicant-accused.
Sh. Amarpal Singh, Addl.P.P. for the State.

Order

1. Applicant-accused has sought pre-arrest bail in FIR No.17 dated 15.04.2016, under Sections 379,427,447 IPC, Police Station Verowal.

2. Brief facts, relevant for the disposal of the present bail application, are that the applicant-accused, who was booked in the present case, was earlier released on regular bail by the court of learned SDJM, Khadur Sahib, vide order dated 13.06.2016. Thereafter, as remand papers were pending for awaiting of the challan, accused absented himself from the proceedings on 22.11.2016 and arrest warrants of the accused were

issued. Subsequently, after following of due process under Section 82 Cr.P.C, accused Shamsher Singh was declared proclaimed offender on 23.10.2018 and remand papers were consigned to record room.

3. Learned counsel for applicant-accused has prayed that applicant-accused was not properly summoned by the court of learned SDJM, Khadur Sahib and further that the applicant-accused has been falsely implicated and since the applicant-accused is ready to join the investigation/proceedings, therefore, he be extended the concession of anticipatory bail.

4. Per Contra, learned Addl. PP for the State has opposed the bail application on the ground that since applicant-accused has already absconded himself from the proceedings, the applicant-accused does not deserve the concession of anticipatory bail.

5. I have carefully heard the learned counsel for the applicant-accused, learned Addl. Public Prosecutor for the State and have very keenly gone through the record.

6. The applicant was declared proclaimed offender as far back as on 23.10.2018. No explanation has been putforth by learned counsel for the applicant-accused as to under what circumstances the applicant-accused absented from the proceedings and failed to surrender for as long as two years, since after he was declared proclaimed offender. Though the applicant-accused craves the indulgence of the court, given the fact that applicant-accused appears to be acting as per his own convenience,

without any respect for the legal process, applicant-accused cannot be said to be entitled to the grant of anticipatory bail. No ground is, therefore, made out to extend the concession of anticipatory bail to the applicant-accused.

7. The bail application, is, accordingly, dismissed. However, in the event of applicant-accused surrendering before learned Illaqa Magistrate/Duty Magistrate within one month from today and filing application for bail, learned Illaqa Magistrate shall endeavor to dispose of the said Bail Application expeditiously, preferably within 3 weeks. Record be returned alongwith the copy of this order. File be consigned to the record room.

Pronounced
31.05.2021
Jaswinder Singh
Stenographer-III

Priya Sood
Sessions Judge
Tarn Taran/UID-PB0065