

CNR NO. PBLD01-013840-2026

B.A. No.5654/2026

Date of Order: 13.07.2026

State of Punjab

Versus

Parveen Singh @ Nikka son of Gurmeet Singh, R/o Village Malak, Tehsil Jagraon, District Ludhiana.

.....Applicant/accused

[ Application for Bail U/s 482 of BNSS, 2023]

Present: Sh.Rushil Jindal Addl.PP for the State.  
Sh. Jagtar Singh, Adv. for applicant/accused.

ORDER:-

1. A bail application under Section 482 BNSS, 2023 in a case FIR no.20 dated 29.01.2020, under Section 61.1.78.14 of Excise Act, P.S Sadar, Jagraon has been filed on behalf of the applicant/accused.
2. Upon notice, Additional Public Prosecutor appeared on behalf of State. Record of Trial Court was called and perused.
3. I have heard the Ld. counsel for the applicant/accused and Ld. Addl. Public Prosecutor for the State and have gone through the record.
4. Perusal of the record i.e file titled as 'State vs Gurmail Singh etc.' has revealed that applicant/accused was granted bail earlier and had furnished his bail bonds on 05.02.2020 but due to his intentional non-appearance his bail order was cancelled vide order dated 26.11.2025 and his bail order was cancelled and bail bonds and surety bonds were forfeited to the State. The accused/applicant moved instant bail application for anticipatory bail with the submissions that his absence was

not intentional but for unavoidable reasons and proclamation proceedings were initiated against him. However, keeping in view the fact that though the accused was granted the bail, but due to his intentional non-appearance, his bail was cancelled and proclamation proceedings were issued against him, no ground is made out for giving the concession of anticipatory bail.

5. It would be appropriate to take a glance at legal position on this issue. In the case titled as **Pawan Kumar Versus State of Haryana and another, CRM-M-39172-2021 (O&M)** decided on 21.09.2021, it has been held by our Hon' ble High Court that :

"7. The words 'reason to believe that he may be arrested on accusation or having committed a non-bailable offence', as existing in Section 438 Cr.P.C. are very significant and show that it is only when a person apprehends his arrest pursuant to an accusation having been made regarding commission of non-bailable offence that provision of Section 438 Cr.P.C. may be availed of. In the instant case, the accusation against the accused was made when the complaint came to be instituted and not when the petitioner jumped bail or when the arrest warrants were issued on account of his absence. " It has further been held that it is only when there is an apprehension of arrest of an accused upon an accusation having been made i.e. upon institution of FIR or lodging of complaint or otherwise having been summoned by the Court for the first time to face trial that a person may approach the Courts under provisions of Section 438 Cr.P.C, seeking grant of anticipatory bail. The scope of 438 Cr.P.C. cannot be extended to

cases where such apprehension of arrest is on account of jumping bail, "

6. In the light of law laid down in case of **Pawan Kumar (Supra)**, present application is held as not maintainable. In view of legal and factual position, as discussed above, the application in hand stands dismissed being not maintainable. Since, the coercive method is adopted to procure his presence, so he is at liberty to move an appropriate application before the learned trial Court. Record of the trial Court be returned alongwith copy of this order. Bail application file be consigned to the record room.

Pronounced in open court  
on:-July 13<sup>th</sup>, 2026.

(Dr.Gurpreet Kaur)  
Additional Sessions Judge  
Ludhiana(UID PB0221)

Manoj K.Arora, Sg-1  
Note: This order has been directly dictated on computer.