

**In the court of Shri Hira Singh Gill
Addl. Sessions Judge, Jalandhar.
UID No (PB0153)**

B.A. No.3622/2020
Filing No.6708/2020
CNR No.PBJL01-009392-2020
Date of Filing: 23.9.2020
Date of Order: 3.11.2020.

Vijay Kumar aged about 58 years son of Ram Kishan, resident of village
Ismailpur P.S. Mehatpur District, Jalandhar.

.....Accused/applicant

Versus

State of Punjab

FIR No.457 dated 24.10.2005.
U/s 336,452,506,148,149 IPC
P.S. Nakodar City, Jalandhar.

[Application for Bail U/s 439 of Cr.P.C.]

Present: Shri R.K. Bhardwaj, Advocate for accused/applicant on V.C.
Shri Anil Gill, Addl. PP for the State.

ORDER:

1. The instant bail application has been filed under section 439 CrPC, praying for grant of regular bail to the accused/applicant in case FIR No.457 dated 24.10.2005 under section 336,452,506,148,149 IPC, registered at police station Nakodar City, Jalandhar.

2. The summery of the case of the prosecution is that the FIR was got registered on the statement of complainant Sohan Singh Takhar, who stated that on 24.10.2005 at about 4:30 PM, he (complainant) was present at Kartar Palace Nakodar to attend the function of engagement of his grandson Manjinder Singh. Three persons started dancing with their women and when complainant asked them about their presence, they did not reply satisfactorily. When complainant asked them to leave the function, they refused to go and said that they have appeared

as gunmen of Punjab Musical Group. One person out of them threatened to kill on the point of revolver and fired in the air. Complainant apprehended two persons with the help of his associates and one person succeeded to fled away. In interrogation, the persons so apprehended disclosed their names as Harpreet Singh and Sandeep Kumar and third person was identified as accused/applicant Vijay Kumar. The matter was reported to the police, upon which FIR in question was registered against the accused/applicants.

3. Challan was presented against the accused/applicant and he was absented from the trial on 24.7.2008. He was declared proclaimed offender on 17.11.2009 and was re-arrested on 7.8.2020.

4. The case of the accused/applicant is that he has been falsely implicated. The accused/applicant was never associated with any alleged offence. However, meanwhile the accused/applicant went to abroad in search of green pastures. The co-accused have already been acquitted by the trial court. The accused/applicant absented during trial on 24.7.2008. He was declared proclaimed offender on 17.11.2009 and was re-arrested on 7.8.2020. It was prayed that when there is no evidence against the accused/applicant, he be released on bail.

5. While on the other hand, learned Addl. PP for the State argued that accused/applicant has jumped the bail and absented on 24.7.2008. He was declared proclaimed offender on 17.11.2009. He was re-arrested on 7.8.2020. The accused/applicant has gone abroad and was deported as per submission of learned counsel for the accused/applicant.

Therefore, the accused/applicant is not entitled to bail.

6. I have considered the rival submission.

7. The accused/applicant absented from trial on 24.7.2008. He was declared proclaimed offender on 17.11.2009. He was re-arrested on 7.8.2020. The accused/applicant has been intentionally absented from the trial and went abroad by unlawful way. He was re-arrested as he was deported due to outbreak of Covid-19. The accused/applicant absented from the trial for more than 11 years. However, other co-accused have already been acquitted, but it does not establish the case of the accused/applicant that he is also entitled to acquittal. In view of these factual circumstances, a case for granting the bail to accused/applicant is not made out. Therefore the bail application of accused/applicant is dismissed. Record be returned along with copy of this order and bail application file be consigned to the record-room.

Pronounced in open court.

Dt 3.11.2020.

Sukhwinder Singh

(Hira Singh Gill)

Addl. Sessions Judge

Jalandhar. UID No (PB0153)

Hira Singh Gill

Addl. Sessions Judge, Jalandhar

CNR No.PBJL01-009392-2020

Present: Shri R.K. Bhardwaj, Advocate for accused/applicant on V.C.
Shri Anil Gill, Addl.PP for the State.

Arguments heard. Vide my separate detailed order of even date, the bail application has been dismissed as detailed therein. Record be returned along with copy of this order and bail application file be consigned to the record-room.

Pronounced in open court.
Dt.3.11.2020.

(Hira Singh Gill)
Addl. Sessions Judge
Jalandhar.UID No (PB0153)

Sukhwinder Singh

Hira Singh Gill
Addl. Sessions Judge, Jalandhar