

**IN THE COURT OF PARMINDER SINGH RAI,
JUDGE, SPECIAL COURT, GURDASPUR.**

CIS No.BA/3773/2024
CNR No. PBGD01-008918-2024
Date of Decision: 08/11/2024

Ajay Masih s/o Prem Masih, resident of Ward No. 4, Near S.D.A,
Fatehgarh Churrian, District Gurdaspur.

.....Petitioner.

Vs.

State of Punjab

.....Respondent

FIR No. 76 Dated 14.08.2017
U/S 22 NDPS Act and Section 379 of Indian Penal Code,
offence enhanced u/s 29-A of NDPS Act, vide rapat no.41
dated 14.08.2017.
Police Station:- Fatehgarh Churrian

Bail application under Section 482 BNSS

Present: Sh. B.S. Dhakala, Advocate, counsel for
petitioner.
Sh. Vikram Kashyap, Ld. Addl. P.P for the State.

ORDER

1. This order of mine shall dispose of an application filed by above petitioner under section 482 BNSS.
2. Upon notice, learned Additional P.P put in appearance on behalf of respondent-State and contested the bail application.
3. It is submitted by learned counsel for the petitioner that petitioner was regularly appearing before the Court and he could not

appear before the court on 29.07.2024 due to unavoidable circumstances. The absence of petitioner was not intentional. He is ready to face trial, so he may be admitted to pre-arrest bail.

4. On the other hand, learned Additional Public Prosecutor submitted that absence of petitioner was intentional. If petitioner is released on pre-arrest bail, he can again misuse the concession of bail, so the present bail application may be dismissed.

5. I have heard rival contentions of learned counsel for petitioner as well as of learned Additional Public Prosecutor and have perused the record.

6. Perusal of record shows that accused/applicant in the present case had earlier been on regular bail by the Hon'ble Punjab and Haryana High Court vide order dated 01.11.2018. However lateron, he absented himself on 29.07.2024 on which date notice to him was issued for 29.10.2024, however on that date, he did not appear despite being duly served through his father and his bail order was cancelled and his bail bonds were forfeited to State and he was summoned through non-bailable warrants of arrest by this Court. Present has been an application under Section 482 of BNSS seeking pre-arrest bail in pursuance to that very order only. This Court having already issued non-bailable warrants against accused/applicant and then present application under Section 482 of BNSS seeking pre-arrest bail before the same Court would not be maintainable. The

remedy if any, would lie before the Hon'ble Punjab and Haryana High Court, only or to surrender before this Court. Hence, present application is hereby dismissed. Record of this bail application be attached with the main file.

Pronounced
Dated:08/11/2024.
Gurpreet Singh Stenographer-II

(Parminder Singh Rai)
Judge, Special Court,
Gurdaspur.

Present: Sh.B.S. Dhakala, Advocate, counsel for
petitioner.
Sh. Vikram Kashyap, Ld. Addl. P.P for the State.

Judicial record perused. Arguments heard. Vide my
separate detailed order of even date, bail application has been
dismissed. Record of this bail application be attached with the main
file.

Pronounced
Dated:08/11/2024.
Gurpreet Singh Stenographer-II

(Parminder Singh Rai)
Judge, Special Court,
Gurdaspur.