

**IN THE COURT OF SH. KANWALJIT SINGH BAJWA,
ADDITIONAL SESSIONS JUDGE,
BATHINDA
(UID PB-0059)**

**CNR No.PBB-T01-004242-2018
CIS BA-3569 of 2018.
Decided on 31.5.2018.**

State versus Jagsir Singh son of Jaswant Singh,
resident of village Ganga, tehsil and
District Bathinda.
.....Petitioner.

***FIR No.124 dated 6.12.2016,
Police Station Phul.
U/S 174-A of Indian Penal Code.***

Bail Application U/S 439 Cr.P.C.

Present: Sh.Arvinnder Singh, Advocate, counsel for applicant.
Sh.H.S.Gill, Addl.P.P.for State.

ORDER

Vide this order, this Court intends to dispose of an application under Section 439 Cr.P.C. moved on behalf of petitioner Jagsir Singh, in case FIR No.124 dated 6.12.2016, under Section 174-A of Indian Penal Code, Police Station Phul.

2. The brief facts of the prosecution story are that FIR was registered on the basis of order dated 2.12.2016 passed by learned Sub Divisional Judicial Magistrate, Phul, in a complaint case titled Baljit Singh versus Jagsir Singh, under Section 138 of Negotiable Instrument Act, 1881 read with Section 142 of Negotiable Instrument Act.

3. It has been submitted by the learned counsel for the

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applicant that the applicant was declared as proclaimed offender vide order dated 2.12.2016 in a complaint case under Section 138 of Negotiable Instrument Act and as such the present FIR No.124 dated 6.12.2016 under Section 174-A of Indian Penal Code was registered against him on 6.12.2016 at P.S.Phul.

4. The learned Additional Public Prosecutor for the State has submitted that the applicant has been declared proclaimed offender in a private complaint under Section 138 of Negotiable Instrument Act. As such present FIR under Section 174-A IPC was registered and keeping in view the conduct of the applicant-accused, he is not entitled to be released on bail.

5. I have considered the aforesaid contentions raised by the learned counsel for the applicant-accused as well as the learned Additional Public Prosecutor for the State.

6. Police record requisitioned and perused. On the perusal of police record, it is revealed that the applicant-accused is in custody in this case since 17.4.2018. No recovery is to be effected from the applicant-accused. Presentation of challan and completion of its trial will take sufficient time. No useful purpose would be served by detaining the applicant-accused behind the bars for an indefinite period. Accordingly keeping in view the custody period of the applicant and without commenting on the merits of the case, he is directed to be released on bail on his furnishing personal bonds and surety bonds to the

satisfaction of Illaqa/Duty Magistrate, subject to the following conditions:-

- a) That applicant will not tamper with the prosecution evidence in any manner;
- b) That applicant will not leave the limits of India without the prior permission of the court;
- c) That the applicant shall remain present on each and every date of hearing during the trial.

Copy of this order be sent to the concerned quarter. Police file be returned. File of this Court be consigned to the Record Room.

Pronounced in open Court
Dated: 31.5.2018

(Kanwaljit Singh Bajwa),
Additional Sessions Judge,
Bathinda
(UID PB-0059)

(Suman)