

**IN THE COURT OF SHRI VARUN NAGPAL, JUDGE SPECIAL
COURT, JALANDHAR. (UID-PB00204).**

BA No.	1817/2021
CNR No.	PBJL010049002021
Date of Instt.	28.04.2021
Date of Order	12.05.2021

Sandeep Kumar @ Deepa aged 32 years son of Harbhajan Singh, resident of Patar Kalan, Jalandhar.

....Applicant/accused.

Versus

State of Punjab.

FIR No.238 dated 03.10.2015
U/s 406/420 of IPC
P. S. Rama Mandi, Jalandhar

(Bail application under Section 438 Cr.P.C.)

Present: Shri Amit Kumar Bhagat, Advocate, Counsel for
applicant/accused.
Shri Rishi Bhardwaj, Addl. P.P. for the State.

ORDER:

1. This order of mine shall dispose off an application under Section 438 Cr PC moved by Sandeep Kumar for the grant of anticipatory bail in case FIR No. 238 of 03.10.2015 for the offence under Sections 406,420 IPC, P.S. Rama Mandi, Jalandhar.
2. Record of lower court has been received. Perusal of the record shows that the present FIR has been registered against the accused on account of cheating and criminal breach of trust for defrauding the complainant to the tune of Rs.3,60,000/- on account of getting him job.

Varun Nagpal
ASJ/Jalandhar
Dated 12.05.2021

3. Notice of the application was given to the State through learned Addl. PP. The learned Addl. PP for the State has argued that accused has not appeared before the trial court on 08.04.2019 intentionally. So bail application deserves to be dismissed.

4. On the other hand, the learned counsel for the petitioner/accused argued that accused mistook the date as 18.04.2019 instead of 08.04.2019. The absence of the accused was not intentional. There is apprehension of arrest of accused/ petitioner. So the bail application of the accused be allowed.

5. From submissions of learned Addl. PP for the State and learned counsel for the accused/petitioner and perusal of lower court record, it came to my notice that accused could not appear before trial court on 08.04.19. The plea taken by the accused regarding the date being mistook as 18.04.19 seems to be the genuine one as earlier the accused had been appearing in the Trial Court regularly. No useful purpose will be served by sending the accused to custody. All the offences are triable by the court of Magistrate. So under these circumstances in the interest of justice taking a lenient view, the bail application filed by the accused is allowed. The accused/applicant is directed to appear before trial court within 15 days of passing the order and on doing so, trial court shall admit the accused/applicant to bail subject to its satisfaction. Before admitting the accused/applicant on bail, the Trial Court shall proceed against the accused u/s 446 Cr.P.C. The Trial Court file along with copy

Sandeep Kumar @ Deepa Vs State of Punjab

of this order be returned for information and necessary action. Bail
Application file be consigned to the Record Room.

Pronounced in open court
Dt.12.05.2021
Onkar Chand JW(SG)

(Varun Nagpal),
Addl. Sessions Judge, Jalandhar,
(UID No. PB00204)

Varun Nagpal
ASJ/Jalandhar
Dated 12.05.2021