

In the court of Ranjit Kumar Jain,
Additional Sessions Judge,
Patiala.(PB0077)

BA No.1903/2021
CNR No. PBPT010058552021
Date of Decision: 2.7.2021

Karan aged 25 years son of Dhanna Singh resident of near Mandesi
Phatak, Mohalla Ravidass Nagar, Malerkotla, District Sangrur.

Versus

State of Punjab

FIR No. 75 dated 19.10.2015
U/s 379/411/120B IPC of IPC
Police Station: GRP, Patiala

Application filed U/s 439 of Cr.P.C for grant of regular bail.

Present: Sh. Ajmer Singh Lohat, Advocate for applicant-accused.
Sh. K.S. Bajwa, Addl. Public Prosecutor for State

ORDER

1. This order of mine shall dispose off application under Section 439 Cr.P.C for grant of regular bail as moved by applicant-accused in the above mentioned case on the grounds that case is pending in the court of Learned Chief Judicial Magistrate, Patiala. On previous dates, accused/applicant could not appear before the court due to the reason that he was suffering from high fever and was unable to inform his counsel. Thereafter, Corona Pandemic period started and as such he could not approach his counsel for appearance. Applicant was arrested by the Police and is in custody since 25.4.2021. Wife of applicant is also ill and is having 7 months old son. There is no body to earn livelihood except the accused. Absence of accused is neither intentional nor willful but due to reasons mentioned above. Trial of case will take sufficient long time.

Ranjit Kumar Jain,
Addl. Sessions Judge/Pta
2.7.2021

Applicant undertake to appear on each and every date of hearing before learned trial court and to abide by all the conditions imposed by the court. Prayer is made for allowing the bail application.

2. Upon notice, bail application is contested by State.

3. Heard. File of learned trial court has been called and same is perused and it transpires to me that applicant is habitual absentee from the court proceedings. He was declared Proclaimed offender by learned Trial Court. However, he has been arrested and is in custody since 25.4.2021. The offence for which he has been challaned are punishable under Section 379,411,120-B IPC and are triable by the court of Magistrate. As he is in custody since more than 2 months and he must have learnt a lesson for remaining absent from the court. However, keeping in view the Covid-19 conditions, no useful purpose will be served to retain him any more which will be rather burden on state exchequer. Hence, he is ordered to be released on bail on furnishing bail bonds in the sum of Rs 2 Lac with one surety of the same amount to the satisfaction of Illaqa/Duty Magistrate with the conditions that:

- (i) the applicant/accused shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer;
- (ii) the applicant/accused shall not leave the country without prior permission of the court;
- (iii) the applicant/accused shall appear on each and every date of hearing before the learned trial court or in any other court as directed by that court.

The trial court shall also start proceedings under Section 446 Cr.P.C against applicant/accused and his earlier surety.

If on any date, the applicant/accused does not appear before Learned Trial Court and learned Trial Court deem it proper that

Ranjit Kumar Jain,
Addl. Sessions Judge/Pta
2.7.2021

absence is intentional to avoid recording of evidence or delaying the proceedings of the court, then trial court is at liberty to cancel his bail.

Record of learned trial court be returned with copy of this order, whereas bail application file be consigned to the record room.

Date of Order: 2.7.2021
jaspal singh stenographer-II

Ranjit Kumar Jain
Addl. Sessions Judge, Pta
UID NO. PB0077

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