

**IN THE COURT OF SHRI PUSHVINDER SINGH, UID No.PB0116 ,
ADDITIONAL SESSIONS JUDGE, AMRITSAR,**

BAIL APPLICATION NO. : 1901 of 2019
CNR NO. : PBAS01-011147-2019
DATE OF INSTITUTION : 09.04.2019
DATE OF ORDER : 03.05.2019

STATE Vs Rajesh Kumar alias Sonu son of Darshan Lal, resident of
 H.No.664, Gali no.5, Tung Bala, Majitha Road, Amritsar
APPLICANT-ACCUSED

FIRST INFORMATION REPORT NO. : 133 of 05.07.2011

UNDER SECTIONS : 451/380/323/506/427/
 148/149 IPC

POLICE STATION : Sadar, Amritsar

IInd Bail application under section 439 Cr.P.C for the grant of
 regular bail.

Present:- Ms.Narinder Kaur, counsel for applicant-accused.

Sh. Onkardeep Singh Malhi, Addl.P.P. for the State.

ORDER

1. This application has been filed by applicant-accused Rajesh Kumar alias Sonu, aforesaid, under section 439 Cr.P.C for regular bail alleging that he is in custody since 15.01.2019. He was on bail when the remand papers were pending. Challan was presented against the accused in his absence. So, the accused could not know about the presentation of the challan. However, he was declared as proclaimed offender. His absence was

not intentional.

2. Notice of bail application was issued to the State and upon notice, learned Addl.P.P appeared on behalf of the State and opposed the bail application. Trial file has been requisitioned.

3. I have heard learned counsel for the applicant-accused, learned Additional Public Prosecutor for the State and gone through the record.

4. From the perusal of the file I find that this case was registered on the basis of statement made by Lakhbir Singh with the allegation that on 14.07.2011, at about 10:15 PM, accused Malkiat Singh, Geeta, Jajju, Vicky and present applicant-accused Rajesh Kumar alias Sonu armed with deadly weapons entered into the shop of the complainant and attacked him. Malkiat Singh gave kirpan blow and Jajju gave a baseball bat blow on the person of complainant and other accused persons took away amount of Rs.7000/- from the cash counter of the shop of the complainant. All the accused persons were challaned. However, the present applicant-accused absented himself from the proceedings of the Court and ultimately he was declared as proclaimed person. Learned counsel for the applicant-accused has alleged that the applicant was in Jail in some other case and in this regard an intimation was given to the Court. Earlier the Court issued production warrants against him but thereafter non-bailable warrants were issued against him. From the perusal of the trial file I find that all other accused except present applicant-accused faced the trial and it has been stated by learned counsel for the applicant-accused that all other accused have been acquitted of the charges framed against them. I find that accused Rajesh Kumar is in custody since 15.01.2019. He has alleged false implication. The

conclusion of trial shall take considerable long time and I find that without proving his guilt, he should not be kept in Jail for unlimited period. Accordingly, without commenting upon the merits of the case, accused is ordered to be released on bail on his furnishing personal bail bond in the sum of Rs.75,000/-with one surety in the like amount to the satisfaction of learned Illaqa/Duty Magistrate subject to following conditions:-

1. That the applicant will appear in the Court on each and every date of hearing to be fixed in the trial unless exempted.
2. That the applicant will not tamper with the prosecution evidence and will not influenced the witnesses of the prosecution in any manner
3. That the applicant will not leave the country without prior permission of the Court.
5. Anything observed herein will have no effect on the merits of the case. Copy of this order be sent to the Court of concerned Illaqa/Duty Magistrate, for compliance. Papers be placed on record.

PRONOUNCED IN OPEN COURT.

DATED : 03.05.2019

***(PUSHVINDER SINGH)
ADDITIONAL SESSIONS JUDGE,
AMRITSAR
UID No.PB0116***

Naresh Kumar
Stenographer(Grade-II)

*I attest to the accuracy
and the authenticity
of this document*

