

PBGD010068752019



Presented on : 02-07-2019
Registered on : 02-07-2019
Decided on : 17.07.2019

**IN THE COURT OF SH. AVTAR SINGH BARDA, ADDL.
SESSIONS JUDGE, GURDASPUR.**

-:.....:-

UNIQUE IDENTIFICATION CODE NO.(PB0159)

Bail application No. 213 of 02.07.2019
Date of Decision: 17.07.2019
CIS no. BA-1814-2019

FIR no. 38 dated 07.04.2010
Under Section: 457/380/411 IPC
P.S. Shri Hargobindpur

Bikramjit Singh @ Bikka @ Jagjit Singh son of Jarnail Singh,
resident of village Bhagtpur, Tehsil Batala, District Gurdaspur.

.....Accused/applicant

Versus

State of Punjab

2nd bail application under Section 439 CrPC.

Present: Sh. Gurmail Singh, Adv., counsel for applicant/accused.
Sh. Kiran Kumar, Additional PP for the State.

ORDER

1. This order of mine shall dispose of 2nd bail application moved by the applicant-accused Bikramjit Singh @ Bikka @ Jagjit Singh under Section 439 Cr.PC in the above noted case.
2. Notice of bail application was given to the State upon which, learned Additional Public Prosecutor put in appearance and opposed the bail application. Record has been produced.

3. In brief, bail application has been moved by accused-applicant with the averments that accused/applicant has been falsely implicated in this case under political pressure. The accused/applicant was on regular bail and unfortunately, he met with an accident and received grievous injuries and was under treatment. Due to that reason, he could not attend the court. The accused/applicant has been declared proclaimed offender and now he is in custody since 16.03.2019. So he prayed that accused-applicant may please be granted regular bail.

4. On the other hand, learned APP for the State argued that two times accused absented himself in the learned trial court and misused the concession of bail. He further argued that accused was declared proclaimed offender and hence, bail application of accused/applicant may kindly be dismissed.

5. I have heard learned counsel for the accused-applicant, learned APP for the State and record has been perused.

6. After hearing learned counsel for the accused/applicant, learned Addl.P.P for the State and going through the entire record this court finds that this is the second regular bail application which has been filed without any change in the circumstances mentioned in the earlier bail application decided by this court. No doubt, accused/applicant is in custody since 16.03.2019, but perusal of file reveals that earlier, the accused/applicant got him absent from the learned trial court twice and his bail order was cancelled and surety bonds were forfeited to the State and he was ordered to be summoned through non-bailable warrants of arrest by the concerned

court. After that, he was declared proclaimed offender in this very case for two times and he was earlier arrested in this case twice after his absence from the court and it is not the case that he himself surrendered before the court on those occasion. Not only this, this time also when he again got him absent from the court for third time, then he was again arrested by the concerned police authority and not himself voluntarily surrendered before the court. Due to that reason, there is every apprehension that in case the application in hand is allowed, again he will flee away from the concerned court and already due to his absence before the learned trial court, the trial has already been prolonged. So, keeping in view the totality of the above facts and circumstances of the case and without commenting and expressing any opinion on the merits of the case at this stage, this court finds that at this stage accused does not deserve to be released on regular bail and his prayer for releasing him on bail is declined and his application for bail is ordered to be dismissed.

Concerned Ahlmad of this court is directed to return the record to the concerned Police official/Naib court of this court against proper receipt and bail application file be consigned to record room, Gurdaspur.

Pronounced: 17.07.2019

(Avtar Singh Barda)
Additional Sessions Judge,
Gurdaspur. UID PB0159

Dilbag Singh Stenographer Grade.II.

This order has been directly dictated on the computer.

Present: Sh. Gurmail Singh, Adv., counsel for applicant/accused.
Sh. Kiran Kumar, Additional PP for the State.

Police record received. Heard. Vide my separate detailed order of even date, the present bail application stands dismissed.

Concerned Ahlmad of this court is directed to return the record to the concerned Police official/Naib court of this court against proper receipts whereas file be consigned to record room, Gurdaspur.

Pronounced: 17.07.2019

(Avtar Singh Barda)
Additional Sessions Judge,
Gurdaspur. UID PB0159

Dilbag Singh Stenographer Grade.II.

This order has been directly dictated on the computer.