

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

BA No.1782/2022
CNR No. PBPT010057242022
Date of Decision: 5.7.2022

Rinku aged about 25 years S/o Sh. Lakhmi Chand resident of village
Sihan, Post Office Harigarh, Tehsil Guhla, District Kaithal (Haryana).

.....Applicant/accused

Versus

State of Punjab

....Respondent

FIR No. 145 dated 18.7.2017
U/s 379/34 of IPC
Police Station: Kotwali, Patiala.

2nd Application U/s 439 of Cr.P.C for grant of regular bail.

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

ORDER

1. This order of mine shall dispose of 2nd bail application moved by applicant/accused Rinku under Section 439 Cr.P.C for grant of regular bail in case FIR No. 145 dated 18.7.2017, U/s 379/34 of IPC, registered at PS Kotwali, Patiala. The application has been moved on the grounds that applicant is in judicial custody since 2.4.2022. Prima facie no case against the applicant is made out. There is no reason to believe that applicant has committed any offence. There is no cogent and legally admissible evidence against the applicant on the file. The trial of the case will take

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sufficient long time, till then detention of applicant is uncalled for. No recovery is to be effected from the applicant. Applicant is permanent resident of given address, hence, there is no apprehension of his absconding. Applicant filed application u/s 437 Cr.P.C before trial court which was dismissed vide order dated 16.4.2022 and thereafter first regular bail application was moved before this court which was dismissed on 26.4.2022. Applicant filed application before Hon'ble High Court of Punjab & Haryana and same was withdrawn by applicant. Applicants undertake to abide by all the conditions imposed by this court. Prayer is made for allowing the bail.

2. Upon notice, State has contested the bail application.

3. Heard. Trial Court file called and same is perused. Applicant/accused remained absent from the trial court since March 2019 and they never tried to surrender before the learned trial court the reason the trial has been unnecessarily delayed. The charge in this case has been framed by learned trial court on 15.11.2018 and immediately thereafter accused got absented, the reason no witness has yet been recorded. The accused has surrendered only after they have been declared as proclaimed offenders showing that they were watching the proceedings. It is second bail application and no ground is made out regarding any changed circumstances so second bail application under Section 439 Cr.P.C is not maintainable in this court as earlier bail application of the same accused has been dismissed by this court vide order dated 26.4.2022. Further, such

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persons are not entitled for regular bail unless material evidence is recorded by the trial court as the only effort of the accused for remaining absent is to avoid recording of evidence. So after recording of material evidence the learned trial court may consider their bail application on merits. So this bail application is hereby dismissed. Trial Court record be returned alongwith copy of this order, whereas bail application file be consigned to the record room.

Date of Order: 5.7.2022
jaspal singh stenographer-II

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