

In the court of Ms. Amandeep Kaur,
Judge Special Court(Vacation Judge)
Patiala(PB0207)

BA No.1798-2022
CNR No. PBPT01-005779-2022
Date of Decision: 27.06.2022

Nawab Shah Versus State of Punjab

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

Present: Sh. Himanshu Advocate for bail applicant.
Sh. Deepinder Singh, Addl. PP for State

ORDER:-

1. File put up before me being Vacation Judge. This order of mine shall dispose off bail application under Section 439 Cr.PC moved by the present bail applicant in case FIR No. 188 dated 21.7.2018, under Sections 21/61/85 NDPS Act, registered at Police Station Kotwali, Patiala wherein he has already been declared as Proclaimed Offender in the year 2020.
2. Learned counsel for the bail applicant pressed for bail on the ground that bail applicant is innocent and has he has not committed any offence in the alleged FIR. He further contended that the bail applicant is in judicial custody from 18.05.2022 and prayed for bail.
3. Learned Addl. PP opposed the bail on the ground that the bail applicant has already abused and misused the process of law and has been declared as proclaimed offender. He prayed for dismissal of the bail.
4. Heard. Considerably the accused in this case absented himself from the proceedings of the case on 28.03.2019 and thereafter, he

was declared Proclaimed offender on 20.10.2020 after adopting due procedure. However, since the date of his absence, he has not surrendered himself before the court nor he has furnished any explanation for his absence. The bail applicant was arrested in this case by the police. No reason whatsoever has been given by the accused. Even in the bail application to justify grant of bail the accused had remained absent for more than three years without any explanation. It is not a case where accused had no knowledge rather when the case was fixed for evidence of the prosecution. Seemingly aware of the fate he absconded.

5. It is pertinent to mention that in the main case challan was presented in 2018 and in the absence of any reason for absence the apprehension of applicant is rather mischievous and intended to mislead the Court. There is every likelihood, if accused is released on bail, he will again flee from the process of Court. No concession of bail to such like accused can be bestowed. Resultantly, the bail application of applicant-accused is declined. Copy of this order be sent to the learned trial court whereas the bail application be consigned to the records.

Date of order: 27.06.2022
Rakesh Mittal,
Stenographer I

Amandeep Kaur
Judge Special Court, Patiala
UID NO. PB0207