

**In the Court of Sh. Lalit Kumar Singla,
Addl. Sessions Judge, Jalandhar.
(UID No. PB0104).**

CIS Number	BA/4828/2023
CNR number	PBJL01-012783-2023
Date of Institution	25.09.2023
Date of Order	04.10.2023

1. Shammi aged about 38 years son of Sh. Raj Kumar, resident of Village Sufi Pind, Jalandhar;
2. Paras aged about 34 years son of Mulakh Raj, resident of village Sufi Pind, Jalandhar.

..... Applicants-accused

Versus

State of Punjab.

...Respondent.

**FIR No.89 dated 29.08.2019
Under Section 323, 324, 506, 148, 149/201 IPC
Police Station Cantt., Jalandhar.**

Second bail application under Section 438 Cr.P.C.

Present: Sh. Gaurav Anand, Advocate counsel for applicant-accused.
Sh. A.P.S.Dhillon, Additional P.P for State.

ORDER:

1. This order of mine shall dispose of second application seeking bail under Section 438 Cr.P.C. moved by applicants-accused Shammi and Paras in the above noted case.
2. Notice of the bail application was given to State of Punjab, upon which learned Additional Public Prosecutor for State has opposed bail application.
3. Heard. Court file perused. Applicants-accused never

subjected to the process of law, i.e., either during the course of investigation or during the course of trial. Ultimately, they were ordered to be summoned by way of Non-bailable warrants of arrest, but applicants-accused remained unserved. Consequently, applicants-accused were ordered to be summoned under Section 82 Cr.P.C by way of proclamation and proclamation of accused was affixed on 27.08.2020. Thereafter, applicants-accused were declared as Proclaimed Offenders on 24.02.2021.

4. Applicants-accused Shammi and Paras vide separate orders dated 03.10.2022 were directed to make a surrender before the learned trial court on or before date fixed and to file bail application, but they failed to comply with the orders passed by this court dated 03.10.2022 on their separate applications under Section 438 of Cr.P.C. Again, applicants-accused have approached this court by moving separate application under Section 438 Cr.P.C despite the fact that there is no change in circumstance till date. The provisions of Section 438 Cr.P.C cannot be taken as a ride to the convenience of applicants-accused time and again.

5. The alleged offences under Section 323/324/506/148/149/201 IPC are bailable. As such, applicants-accused shall be at liberty to make a surrender before the learned trial court.

6. With these observations, I find the instant bail application devoid of any merits and the same is hereby dismissed. Lower Court

record be returned. Bail application file be consigned to the Record Room.

Pronounced
Dated: 04.10.2023
Vivek*

(Lalit Kumar Singla)
Additional Sessions Judge, Jalandhar
UID No. PB0153.