

Kuldeep son of Jaipal, resident of Mohalla Ambedkar Nagar, Chogitti, Rama Mandi, Jalandhar.

Versus

State of Punjab

**FIR No.08 DATED 18.02.2023
U/S 454 & 380 of IPC
PS Rawalpindi (Phagwara)**

Present: Ms.Rajni Bala Advocate, Counsel for applicant/accused
Sh.Arinder Singh, APP for the State.

Heard on regular bail application moved by Learned Counsel for accused/applicant Kuldeep. Learned Counsel for the accused applicant submitted that that accused/applicant is innocent and has been falsely implicated in the instant case. Nothing is to be recovered from the accused. He further argued that the challan has already been presented in this case and no useful purpose would be served by detaining the accused/applicant further behind bars as conclusion of trial will take long time and prayed that the accused/applicant may be given concession of bail.

Notice of the application was also given to Learned APP for the State. Learned APP for the State submitted that the accused/applicant is habitual absentee and habitual offender. The allegations leveled against the accused/applicant are grave in nature and has argued that the accused/applicant is not entitled for bail. He further argued that there is apprehension that accused/applicant will again misuse the concession of bail if released on bail and if the present application allowed. Accused/applicant already wasted much of the precious time of the Court by not appearing in the Court and the bail of the accused/applicant was cancelled due to his non appearance in the Court on dated 11.01.2024. Hence, the case may kindly be decided by keeping the accused in custody to avoid any further delay. He further prayed that the application may kindly be dismissed. No written reply to the application filed by Learned APP for the State.

Main file received and attached. Perusal of the same reveals that the bail of the accused was cancelled due to his no appearance in the Court on dated 11.01.2024. Accused/applicant Kuldeep failed to appear in the Court on dated 11.01.2024 and consequently, his bail was cancelled and non-bailable warrants of his arrest were issued for 03.02.2024 on which date also, the

accused/applicant did not appear in the Court and thereafter proclamation warrants were issued to accused which were received back effected on dated 10.02.2024. Accused/applicant was finally declared as Proclaimed Person on dated 27.03.2024. The reason mentioned by the accused/applicant for his non appearance in the Court does not seems to be genuine and found to be false. However, the accused/applicant did not move any application for his exemption on the said date in the Court.

However, keeping in view the fact that accused/applicant was finally arrested and produced before the Court on dated 06.04.2024 and since then he is in judicial Custody. Now useful purpose would be served by keeping the accused behind bars for such and indefinite period. Keeping the accused/applicant behind bars will also put extra burden upon the state exchequer. The accused/applicant further might have learnt a lesson for absenting himself from the Court by remaining behind bars. Hence, accused/applicant is admitted to bail and is ordered to be released on bail on his furnishing bail bonds in the sum of Rs.50,000/- with one surety in the like amount, subject to conditions that:-

1. He shall appear in the Court on each and every date of hearing;
2. He shall not commit an offence similar to the offence for which he is appearing in the present case;
3. He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court;
4. He shall not tamper with the evidence of the case in any way.

Requisite bail/surety bonds not furnished. Present application stands disposed off accordingly. Papers be attached with the main file.

Pronounced in Open Court:
Date of order: 01.07.2024
Rahul (Steno-II)

Vijay Singh Dadwal, PCS
Judicial Magistrate First Class,
Phagwara. (UID No.PB0478)