

IN THE COURT OF DR RAM KUMAR SINGLA,  
UID No. PB-0122,  
ADDITIONAL SESSIONS JUDGE,  
KAPURTHALA.

**CNR No.**  
**PBKP010035492020**



**Case No. BA/1747/2020**

**Presented on** : 02-09-2020  
**Registered on** : 03-09-2020  
**Decided on** : 07-09-2020

Gaurav @ Gaurav Kalucha, s/o Surjit Kumar, aged about 27 years, r/o  
Karbala Mohalla, Phagwara, District Kapurthala.

**..... Applicant/ accused.**

Versus

State of Punjab.

**..... Respondent.**

FIR No. 0211 of 24.10.2018,

Under Section 61(1) of The Punjab Excise Act, 1914,

Police Station – City Phagwara, District Kapurthala.

**Application for anticipatory bail under Section 438 Cr.P.C.**

Present: Ms. Reena Rani, Advocate for the applicant/accused.  
Sh. Arvind Sahai, Additional PP for the State.

**O R D E R**

The present bail application has been entertained being  
an urgent hearing while performing duty in the period of closure of  
courts because of pandemic Covid-19.

2. Today, an application for correction in the address of the applicant in the bail application is filed. In view of the submissions made in the instant application, the same stands allowed by correction of address of the applicant as per application, as has been preferred today on behalf of applicant. Accordingly, that application stands disposed off with directions to Reader of this Court to make necessary corrections in the present bail application also.

3. This order of mine shall dispose of this bail application, moved by above named applicant/accused, in the aforesaid FIR No.211 of 24.10.2018. Arguments have been heard.

4. Briefly, the facts and circumstances on record necessary to be mentioned herein for consideration of the present bail application of the applicant/ accused are that the applicant while facing the trial of FIR in question having the allegations of recovery of 12 bottles of Indian Made Foreign Liquor and while on bail absented from the proceedings of trial court, which resulted into issuance of proclamation proceedings against him to procure his presence, as is evident from the order of learned trial court dated 14.08.2020 placed on record by learned counsel for the applicant/accused. Now, apprehending of his arrest in view of his that conduct, the applicant has preferred his anticipatory bail application.

5. I have heard learned counsel for the applicant and learned Addl. PP for the State. Now, action to be taken by the learned trial court against the applicant is just to procure his presence, which does not warrant his custodial interrogation. However, regarding his absence from

the proceedings of trial, he can be punished by initiating the proceedings against him under section 446 Cr.P.C.

6. Consequently, by allowing the application under reference, the present applicant/accused is hereby directed to surrender before the learned trial court **within ten days from today** and on his surrendering he will be admitted on bail on furnishing the bail bonds and surety bonds subject to the satisfaction of learned trial court. Failing to comply this order within that prescribed period by the applicant/ accused, this order shall stand vacated of interim bail to him. This order of interim bail to the applicant/accused is subject to the compliance of necessary provisions of Section 438 (2) of the Code of Criminal Procedure by him. The learned trial court is at liberty to initiate the proceedings under section 446 Cr.P.C. against the applicant/accused. Copy of this order be sent to the learned trial court. This bail application file be consigned to the judicial record room.

Pronounced in open Court.  
Dated: 07.09.2020.

Kaushal Kumar

(Dr Ram Kumar Singla),  
Additional Sessions Judge,  
Kapurthala(Duty). (UID No. PB-0122)

(Directly dictated on computer)