

***IN THE COURT OF SHRI KARAMJIT SINGH (UID NO.PB0013),
SESSIONS JUDGE, AMRITSAR***

CNR NO.PBAS010049592018.

B.A.NO.1742 OF 2018.

DATE OF INSTITUTION: 18.04.2018.

DATE OF DECISION: 25.04.2018.

Prince son of Jeet, r/o Gali No.2, Chowk Bhagtanwala, near Mandir,
Amritsar.

.....Respondent/complainant.

VERSUS

Kanta wife of Ram Singh, r/o 135/12, Chula Park, Cantt.Amritsar.

.....Applicant/accused.

***(COMPLAINT under section 138 of Negotiable
Instrument Act.)***

***Second bail application under section 438 of Cr.P.C. for
the grant of anticipatory bail.***

***PRESENT: Ms Harpreet Kaur Grover, Advocate, for applicant/
accused.***

***Shri Mandeep Singh Mahal, Advocate, for the
respondent/complainant***

O R D E R

1. This application for pre-arrest bail has been has been filed
by applicant/accused, Kanta wife of S.Ram Singh, in complaint titled

“Prince Versus Kanta” under section 138 of Negotiable Instrument Act, who, had been facing trial in the court of Shri Jaginder Singh, Judicial Magistrate Ist Class, Amritsar, but she absented therefrom on 17.09.2016 with the result her bail bonds and surety bonds were cancelled and forfeited to the State and she was ordered to be summoned through non-bailable warrants of arrest which could not be executed and then proclamation under section 82 of Cr.P.C. was issued against her. Despite effecting proclamation, she did not appear before the trial court with the result she was declared a proclaimed person on 18.02.2017. Apprehending her arrest, she moved the present application stating that her non-appearance in the court was not intentional or wilful.

2. Upon notice, respondent/complainant appeared through counsel and contested the bail application.

3. The counsel for the applicant has argued that absence of the applicant from the court was not intentional or wilful, but it was due to the reason that she was suffering from severe kidney problem and had undergone surgery on 23.06.2016 and thereafter remained bed ridden for a sufficient long time. He prayed that applicant be granted concession of anticipatory bail.

4. On the other hand, counsel for the respondent/complainant argued that applicant intentionally absented from the court proceedings just to prolong the litigation. The applicant has been declared a proclaimed offender after her appearance in the court. Therefore, her bail application be dismissed.

5. I have considerer the rival submissions. The applicant absented from the trial court on 17.09.2016 and was declared a proclaimed person on 18.02.2017. The applicant is a proclaimed offender. The proper course for the applicant was to surrender in the trial court and to explain all the facts and circumstances instead rushing to this court seeking pre-arrest bail in the process bye-passing the trial court which can certainly be not allowed. I do not find any merit in the application and the same stands dismissed. However, it is directed that in case the applicant surrenders before the trial court within next 15 days and moves application for regular bail, that shall be decided by that court on the same day. Trial court record be returned alongwith copy of this order. These papers be consigned to the record room.

*Pronounced:
25th April, 2018.*

*(Karamjit Singh)
Sessions Judge, Amritsar
(UID:PB0013)*

*Pardeep Kumar
Stenographer Grade-I*

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BA NO.1742 OF 2018

PRINCE VERSUS KANTA

Presence:

*Ms Harpreet Kaur Grover, Advocate, for applicant/
accused.*

Shri Mandeep Singh Mahal, Advocate, appeared and filed power of attorney on behalf of respondent/complainant. Trial court record received.

Arguments heard. Vide separate order of even date, the present bail application has been dismissed. Trial court record be returned alongwith copy of order. Papers be consigned to record room.

Date of order: 25th April, 2018.

*(Karamjit Singh)
Sessions Judge, Amritsar
(UID:PB0013)*

*Pardeep Kumar
Stenographer Grade-I*