

Girik Kampania vs. State

**IN THE COURT OF SHRI AVTAR SINGH BARDA,
ADDITIONAL SESSIONS JUDGE, SAS NAGAR,
UID NO.PB-0159**

Bail application No.35/21.2.2020
CNR no. PBSA010006122020
Computer Generated No.BA-174-2020
Date of order: 05.02.2020

Girik Kampania, aged 23 years, son of Sh. Ankur Kampania, resident of
House no.1010/1, Sector 37B, Chandigarh.

...Accused/applicant

Versus

State of Punjab

Respondent

FIR no. 19 dated 02.02.2015
under Section 420,406,120B IPC & 24 Immigration
Act
PS Phase 1, Mohali

BAIL APPLICATION U/S 438 OF THE CRPC

Present : Sh. Rajesh Kumar Advocate, learned counsel for applicant
Sh. Satnam Singh Addl. PP for respondent

Heard on the bail application filed by accused/applicant under
section 438 of the Cr.P.C.

2. It is stated by the applicant that bail applicant remained in
custody and he became drug addict with the society of prisoners in the
jail premises and after releasing on bail, he became habitual and due to
that habit, he remained under the unconscious position and as such, he

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could not appear before the trial court. It is further stated the non appearance of the bail applicant from the court proceedings is neither intentional nor willful.

3. The perusal of original file reveal that accused got himself absented from the trial court on 20.05.2019 and his non bailable warrants has been issued . It has been alleged by the accused-applicant that he became drug addict with the society of prisoners in the jail premises and after releasing from jail, due to that habit, he remained in unconscious position and as such, he could not appear before the trial court. In order to support his contentions, he has placed on file copy of medical record of Cheema Medical Complex, Phase 4, Mohali and its perusal shows that the accused-applicant is undergoing treatment due to addiction of drugs. This shows that absence of accused-applicant on 20.05.2019 was not intentional.

4. Keeping in view the contents contained in the application, this court is of the considered view that the challan in this case has already been presented. Accused/applicant is no more required for the purpose of investigation . No useful purpose would be served by detaining him in the custody, rather it will be a burden on state exchequer. As such, application in hand is, hereby, allowed and accused-applicant is directed to surrender before learned trial court within 7 days from today and on his doing so, the learned trial court is directed to release him on bail on his furnishing personal bonds in the sum of Rs. 70,000/- with two sureties in

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the like amount. It is made clear that in case, accused-applicant fails to put his appearance within 7 days from today before trial court, in that eventuality, this order of mine shall be deemed to be inoperative. The learned trial court is at liberty to initiate proceedings under Section 446 Cr.P.C against the accused and old surety.

Record of the trial court be sent immediately back to the court concerned along with copy of this order . Bail application be consigned to Record Room.

Pronounced: 05.02.2020

Jyotsna
Stenographer I

(Avtar Singh Barda)
Additional Sessions Judge,
SAS Nagar (Mohali)
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Present : Sh. Rajesh Kumar Advocate, learned counsel for applicant
Sh. Satnam Singh Addl. PP for respondent

Record of learned trial court received. Arguments Heard. Vide my separate detailed order of even date, the bail application stands allowed .

Record of the trial court be sent immediately back to the court concerned along with copy of this order . Bail application be consigned to Record Room.

Pronounced:05.02.2020

Jyotsna
Stenographer I

(Avtar Singh Barda)
Additional Sessions Judge,
SAS Nagar (Mohali)
UID NO. PB0159