

**In the Court of Rajwinder Kaur,
Additional Sessions Judge, Kapurthala**

CNR No.

PBKP010065192019



Case No. BA/2339/2019

Presented on : 19-12-2019

Registered on : 20-12-2019

Decided on : 21-12-2019

Kulwinder Kaur wife of Sohan Singh, resident of village Kot Karar Khan, Kapurthala(rural), Kapurthala.

.....Applicant-accused.

Versus

State of Punjab.

FIR No.75 of 2015
U/ss 498-A, 406, 494,34 IPC
PS Sadar Kapurthala.

(Bail application under section 438 Cr.PC)

ORDER

1. Record of lower court requisitioned.
2. Heard. **Kulwinder Kaur** (*accused-applicant*) alongwith co-accused, was charge sheeted under section 498-A, 406, 494 read with section 34 of IPC by the then Chief Judicial Magistrate vide Order dated 20.1.2016. Now, the case of the prosecution is fixed for prosecution evidence. On **4.11.2019**, as Kulwinder Kaur did not appear before the Court, so her non bailable warrants of arrest were issued. It is averred in the application that her absence is neither willful nor intentional, rather due to her illness and old age, and could not convey her counsel in time

to seek exemption of personal appearance from the court. Keeping in view the averments mentioned in the application as well as in the record of Lower Court, Kulwinder Kaur(*applicant-accused*) kept on appearing on each and every date of hearing, but only one date i.e. 4.11.2019, she did not appear. So, under these circumstances, no useful purpose would be served by sending the accused behind the bars, rather it would burden upon the State Exchequer, the application is allowed, subject to condition that the applicant-accused shall deposit **Rs.1000/-** in the office of **District Legal Services Authorities** and thereafter put appearance before the learned trial Court/Illaq Magistrate/Duty Magistrate on or before the date fixed before the lower court i.e. 15.1.2020, and on her doing so, she shall be released on ***bail***, subject to satisfaction of the learned trial Court/Illaq Magistrate/ Duty Magistrate. In case, the applicant-accused will fail to appear before the court and get absent from the court, then the bail order shall deemed to be cancelled. Lower court record alongwith copy of this order, be returned to the court concern for further proceedings.

Pronounced in the open Court
Dt.21.12.2019
(Nirlep Kaur)

(Rajwinder Kaur)
Addl. Sessions Judge,
Kapurthala (UID No.PB0121)