

In the Court of Sandeep Kumar Singla, Additional Sessions Judge,
Hoshiarpur. (UID No.PB-0118).

Bail application No.4066 of 2019
CIS No.1675 of 2019
CNR No.PBHO01-007295-2019
Date of Order: 20.7.2019

Vijay Kumar @ Bhagu son of Hazara Singh, resident of Village Jahan Khelan,
Police Station Sadar, Hoshiarpur.

.....Applicant-accused.

Versus

State of Punjab.

.....Respondent.

“Application for anticipatory bail U/s 438 Cr.P.C.”

Present: Shri Ashnav Sahota, Counsel for applicant-accused.
Shri Satnam Singh, Additional PP for the State.

ORDER:

Applicant Vijay Kumar @ Bhagu is seeking anticipatory bail in a challan pending in the Court of Ld. ACJM, Hoshiarpur in FIR No.143 dated 31.10.2016, under Sections 323, 382 & 34 of IPC, P.S.Sadar, Hoshiarpur. It is pleaded that earlier the trial was fixed for 29.4.2019 and was adjourned to 27.5.2019 but inadvertently, the applicant-accused had noted down the next date of hearing as 25.7.2019. Even this date has been noted down in the diary of his counsel. Due to said reason he could not appear on 27.5.2019, resultantly his bail/surety bonds were cancelled and his non-bailable warrants have been issued. He undertook to abide by terms of bail and prayed for directing the Court to release him on bail in the event of his surrender.

2. Notice of bail application was issued to State who did not file reply.

Rather, orally opposed the bail application.

3. Trial Court record has been summoned and perused. I have heard the

arguments advanced by Learned Counsel for the applicant and Learned Additional PP for the State and also have gone through the record carefully. Perusal of order dated 27.5.2019 in the file shows that applicant-accused and his co-accused had not appeared on that day and notice to them was ordered to be served and on 16.7.2019, bail order of accused was cancelled, their bail bonds were forfeited to the State and they were ordered to be summoned through non-bailable warrants. Learned Counsel has placed on file copies of diary maintained by him perusal of which shows that he has noted down date of hearing as 29.4.2019 and next date of hearing as 25.7.2019. Learned Counsel for applicant-accused has contended that absence of accused was not intentional but due to said reason. Learned Additional PP for State has argued that earlier also accused remained absent from the proceedings and as such he is not entitled to concession of anticipatory bail. Without commenting on merits of the case, apparently as the applicant-accused and his counsel had noted down the wrong date of hearing and could not appear in the court, so in these circumstances, no purpose would be served by keeping the applicant behind bar and he should be given a chance to face trial with direction not to repeat such mistake, in future. Thus, bail application filed by the applicant Vijay Kumar @ Bhagu under Section 438 Cr.P.C is hereby allowed. The applicant is directed to surrender before the Trial Court within 10 days from today and in case of his doing so, he will be released on bail to the satisfaction of Learned Trial Court, subject to conditions that the applicant shall appear in the court on each and every date of hearing; that he will not leave India without prior permission of the court and that he shall not tamper with evidence of prosecution. However, in case, applicant fails to appear before the Trial Court, the bail application filed by applicant-accused shall deemed to have been dismissed. Record be returned alongwith copy of order and file be consigned to the record room, after its completion.

Announced in open Court:
Dated: 20th July, 2019.

‘Gautam Manocha, JW (SG)’

(Sandeep Kumar Singla),
Additional Sessions Judge,
Hoshiarpur.(UID No.PB-0118).