

**IN THE COURT OF DARBARI LAL,
JUDGE, ADDL. SESSIONS JUDGE, JALANDHAR**

(UID No. PB0087) (Duty)

C.I.S No.	BA- 2329/2020
C.N.R. No.	PBJL01-006072-2020
Date of Institution	24.06.2020
Date of Order	07.07.2020

Inderpal Singh aged about 33 years son of Avtar Singh, resident of Village Dhahe, Jandbari, District Rupnagar.

..... Applicant-accused.

VERSUS

State of Punjab

..... Respondent.

FIR No. 246 dated 15.11.2016
U/Ss 420, 465, 471 of IPC.
P. S. Rama Mandi, Jalandhar.

First Application for bail U/s 438 Criminal Procedure Code

Present: Sh. RPS Bhogal Advocate, for applicant- accused.
(Through VC)
Smt. Zeba Khalid, Addl.P.P. for the State.

ORDER

1. Present bail application has been moved on behalf of accused-applicant under section 438 of Criminal Procedure Code in FIR No. 246 dated 15.11.2016, P. S. Rama Mandi, Jalandhar, under sections 420, 465, 471 of Indian Penal Code.
2. Notice of the bail application was issued to the prosecution and Sm. Zeba Khalid, Addl. PP for the State has appeared on behalf of State.
3. Learned counsel for the accused-applicant has contended that the bail application under section 438 of Cr.P.C. of the accused-applicant was allowed and his arrest was stayed subject to joining his investigation by this court vide order dated 02.06.2017. The accused-applicant joined the

investigation vide order dated 01.07.2017 and the bail of the accused-applicant was made absolute. The police presented the challan before the trial court in the absence of the accused-applicant. As such, non-bailable warrants of arrest were issued against the accused-applicant before the trial court now the case is pending for 17.07.2020 regarding which the accused-applicant has no knowledge about the same. The custodial interrogation of the accused-applicant is not required. The investigation of this case has already been completed. The order passed by this court on 01.07.2017 has never been cancelled by any court as such, that order still subsists but the accused-applicant apprehends his arrest in case the accused-applicant surrender before the trial court/Duty Magistrate. He is ready to abide by all the terms and conditions as would be imposed by the court. He lastly prayed that the accused/ applicant may kindly be granted anticipatory bail.

4. On the other hand, learned Additional P.P. for State strongly opposed the bail application on the ground that the accused-applicant neither appeared in the court nor moved any application for his exemption from personal appearance in the learned lower court. She lastly prayed for dismissal of the bail application.

5. Having heard both sides, I have gone through the record. Perusal of the file reveals that no doubt, the challan against the applicant-accused in his absence on 16.02.2018 but notice of the same was issued to him on 24.04.2018. Thereafter, on the report of notice dated 28.08.2018, the house of accused-applicant was found locked. Then bailable warrants were issued against him on 03.12.2018 on the bailable warrants received back that the accused-applicant has gone to Chandigarh which itself shows that the accused-applicant has intentionally avoiding the service in this case.

Thereafter, non-bailable warrants were issued by the learned trial court. Now, instead of appearing before the learned trial court, he is seeking anticipatory bail.

6. The Hon'ble Supreme Court of India in case titled as **Jagtar Singh Vs. Satindra Kaur alias Bhawna Grover**, reported in **2002 Criminal Law Journal - 807** held that *“anticipatory bail/ regular bail accused absconding. Normally when the accused are absconding, there is no question of granting anticipatory bail or regular bail.”* The Hon'ble Punjab & Haryana High Court in case titled as **Parminder Singh Garcha Vs. State of Punjab** reported in **2003 (4) R.C.R. (Criminal) 445** held that *“normally, when the accused/ petitioners are absconding, there is no question of granting anticipatory bail or regular bail.”*

7. In view of the above said judgments and the facts and circumstances of the present case, the accused-applicant does not deserve for grant of anticipatory bail. So, the instant bail application moved by the accused-applicant for anticipatory bail, is hereby dismissed. Record be returned forthwith. File be consigned to record room.

Pronounced in open Court:
Dated: 07.07.2020

(Darbari Lal)
Judge, Special Court, Jalandhar
(UID No. PB0087) (Duty)

*Sushma

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Inderpal Singh Vs. State of Punjab

Present: Sh. RPS Bhogal Advocate, for applicant- accused.
(Through VC)
Smt. Zeba Khalid, Addl.P.P. for the State.

Arguments heard. Vide my separate detailed order, the present bail application under section 438 of Criminal Procedure Code has been dismissed. Record be returned forthwith. File be consigned to record room.

Pronounced in open Court:

Dated: 07.07.2020

(Darbari Lal)
Judge, Special Court, Jalandhar
(UID No. PB0087) (Duty)

**Sushma*