

**IN THE COURT OF SHRI SUMIT GHAI,  
ADDITIONAL SESSIONS JUDGE, SANGRUR.  
(UID No.PB-0173)**

Filing No.3244 of 02.06.2018.  
Registration No. 1429 of 02.06.2018.  
CNR NO. PBSG01-004716-2018.  
Decided on: 06.06.2018.

Amandeep Singh aged about 36 years son of Ram Dass, resident of Gian Patti, Bhasaur, P.S.Sadar Dhuri, District Sangrur.

Applicant/ accused.

Versus

State of Punjab.

FIR No. 37 dated 13.05.2014.  
Under Sections 420/406 of IPC.  
P.S.City -II Malerkotla.

**Bail application under Section 438 Cr.P.C.**

Present: Shri Jatinder Kumar, Advocate, counsel for the applicant.  
Shri Puneet Khanna Addl. PP for the State.

**ORDER:**

1. Applicant Amandeep Singh has filed the present anticipatory bail application under Section 438 Cr.P.C. in the above noted FIR.
2. Notice of the bail application was issued to the State and record of this case has been perused.
3. The learned counsel for the applicant has submitted that applicant has not committed any offence as alleged in the FIR. He has

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ASJ,Sgr. 06.06.2018.

been wrongly involved in the present case. He has argued that accused/applicant could not appear before the learned trial Court on 03.11.2017 due to his family problems. His bail order, bail bonds and surety bonds were cancelled and nonailable warrants of accused/applicant were issued. He has submitted that the applicant/accused was declared proclaimed offender by the learned trial Court on 19.04.2018. He has further submitted that the applicant is innocent. He has argued that the absence of the applicant was not intentional but due to the above mentioned reasons. So, the learned counsel for applicant has prayed that applicant may be granted anticipatory bail and applicant is ready to abide by any condition that may be imposed by the court while granting him bail.

4. On the other hand, learned Addl.PP for the State has opposed the bail application, inter-alia, on the grounds that applicant/ accused was declared proclaimed person by the learned trial Court vide order dated 19.04.2018, under Section 82 Cr.P.C and he evaded his arrest which has resulted in hampering of the trial. Learned Addl.PP has further submitted that allegations against the applicant/ accused are of serious nature, so he is not entitled to interim anticipatory bail because there might be chances of influencing the witnesses.

5. I have heard the rival contentions of learned counsel for applicant and learned Addl.PP for the State and have gone through the record with their able assistance.

6. Brief facts of the prosecution case are that on 21.06.2012 in

the area of Mohalla Upplan Malerkotla accused Amandeep Singh promised the complainant Varinder Kumar to send his nephew (Bhanja) abroad and received ₹1,10,000/- for that purpose and on 12.07.2012 accused/applicant further received ₹.6,50,000/- from the complainant for the above said purpose and received the passport of his nephew Sachin Kumar but the accused/applicant did not send Sachin Kumar abroad and also did not return his passport and he has also failed to return the amount entrusted to him for sending Sachin Kumar to abroad and thus cheated the complainant party.

7. From the record it is revealed that during the trial proceedings the accused/applicant Amandeep Singh absented on 03.11.2017 and thereafter his non bailable warrants were issued. The applicant/ accused Amandeep Singh was declared proclaimed person vide order dated 19.04.2018 by the court of learned Sub Divisional Judicial Magistrate, Malerkotla. There has been continuous and unexplained period of absenteeism of the applicant from the trial proceedings. It is clearly manifests upon the conduct of the applicant that he is intentionally evading the process and avoiding his arrest, which has resulted in the protracted trial. The applicant/accused has since been declared as proclaimed person by the trial Court after following due process of law. So, in view of these facts and circumstances, this court does not deem it fit to enlarge the applicant/ accused on bail. Accordingly, the bail application in hand is hereby dismissed.

However, none of the observations made here-in before shall

have any bearing on the merits of the case. Trial Court record be returned.

Bail application papers be consigned to record room.

Pronounced in open Court  
Dated:06.06.2018.  
Kulwant Singh,  
Stenographer-1

Sumit Ghai,  
Additional Sessions Judge,  
Sangrur. (UID No. PB.0173)

