

**In the Court of Sh.Arun Gupta,
Sessions Judge, Fatehgarh Sahib.**
(UID No.PB0061)

CNR No.PBFG010048232023

CIS No.BA-1417/2023

Date of decision 28.11.2023

Pal Singh aged about 48 years son of Sh.Mewa Singh, resident of Bhadaur,
District Barnala.

...Accused/applicant

Versus

State of Punjab

FIR No.152 of 29.05.2014

Under Sections : 407, 420, 1 20-B of IPC

Police Station Mandi Gobindgarh.

Bail Application U/s 438 Cr.P.C.

Present: Sh. Bhaskar Verma, Advocate, counsel for the accused/
applicant.
Sh.K.S.Bajwa, Public Prosecutor for the State/respondent.

ORDER

1. Record of trial court has been received.
2. Heard.
3. The learned counsel for the accused/applicant has argued that the accused/applicant has moved exemption application in the present case on 18.03.2020. Thereafter the courts were closed due to Pandemic Covid-19. He has not received any notice from the court. His younger son met with an accident and received multiple injuries. His son went in Comma and for

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the last 1½ years, the accused/applicant is taking care of his son. The accused/applicant came to Amloh to inquire about the proceedings but his previous counsel did not give any satisfactory reply. Then the accused/applicant engaged counsel and inquired from the court and he found that the accused/applicant was declared proclaimed offender. Therefore, he argued that the absence of the accused/applicant was not intentional and prays for grant of grant of pre-arrest bail to the accused/applicant .

4. Learned Public Prosecutor opposed the said contentions and argued that no medical record regarding treatment of son of the accused/applicant is placed on the file. The accused/applicant was declared proclaimed offender. The averments of the learned counsel for the accused/applicant cannot be believed and he prays for dismissal of the bail application.

5. The police of Police Station Mandi Gobindgarh registered the present FIR on 29.05.2014 against the accused/applicant and non-applicants under Sections 407, 420-120-B of IPC on the statement of Ramesh Chand son of Lallu Ram on the averments that on 04.05.2014 he got loaded iron material weighing 210 quintals 60 kilogram for Rs.10,01,228/- at Mandi Gobindgarh on truck No.PB-13-AF-1787 whose driver was Satinder Singh @ Babbu son of Kuldeep Singh and owner Balwant Singh @ Pinky son of Chhota Singh and partner was Karamjit Singh son of Sukhdev Singh. The said material was to be unloaded at Jodhpur but the driver the said truck did not deliver the material at its

destination. The driver of truck namely Satinder Singh in connivance with his owner Balwant Singh @ Pinky and its partner Karamjit Singh have disposed off the said material. On these allegations FIR was registered.

6. The accused/applicant has already been declared proclaimed offender by the learned trial court on 13.12.2021. The averments taken by the accused/applicant cannot be believed because it is the duty of the accused to remain present on each and every date of hearing in the court. The present trial is lingering on in the learned trial court due to the absence of the accused/applicant and co-accused. Therefore, no ground is made out for grant of anticipatory bail to the accused/applicant and bail application of the accused/applicant is dismissed. Record of trial court be returned back alongwith copy of this order. File be consigned to record room.

Announced in open Court.

Dated:28.11.2023

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Sorbh Singla, JW

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