

IN THE COURT OF PUNEET MOHAN SHARMA,
ADDITIONAL SESSIONS JUDGE(UID NO.PB0167),
SHAHEED BHAGAT SINGH NAGAR.

Date of Institution: 11.02.2019
Date of Order: 12.02.2019

CRN No.PBSB01000515-2019

Subhash Bhatia & Anr. Vs. State of Punjab

FIR No.62 Dated 05.11.2009

U/S 406,420,465,467,468,471of IPC

P.S.Kathgarh.

Present: Sh. Krishan Chander Bhutta,Adv. counsel for
accused/applicants Subhash Bhatia and Sharanjit Bhatia.
Sh.Varinder Kumar, Addl. PP for the State .

Bail Application U/S 438 of Cr.P.C.

ORDER:

1. This order of mine shall dispose of bail application filed U/S 438 Cr.P.C. for grant of anticipatory bail by applicants Subhash Bhatia and Sharanjit Bhatia in FIR No.62 Dated 05.11.2009 U/S 406, 420, 465, 467,468,471of IPC P.S.Kathgarh with the averments that this case was fixed on 02.02.2019 before the Court of Sh.Rupinder Singh, SDJM,

(Puneet Mohan Sharma, ASJ,SBS Nagar UID No.PB0167)

Balachaur where they could not appear before the Court on said date due to illness of applicant Subhash Bhatia, father of applicant Sharanjit Bhatia and consequently, their bail bonds were cancelled and forfeited to the state and their warrants of arrest were issued by the Ld. Trial Court. Otherwise, they were regularly appearing before the Ld. Trial Court. Apprehending their arrest, the applicants/accused filed the present bail application U/S 438 of Cr.P.C.

2. Notice of this bail application was issued to Addl. P.P for the state but no formal reply was filed by Ld. Addl.P.P for the state, though he resisted the bail application and submitted that since the applicants have absented from the Court during the trial, they are not entitled to bail.

3. I have perused the record and perusal of the same shows that the applicants could not appear in the Court on 02.02.2019. It has been specifically contended by the counsel for the applicants that they could not appear before the Court due to illness of applicant Subhash Bhatia, father of applicant Sharanjit Bhatia. Further, filing of the present application by the applicants immediately shows their bonafide to face the trial. Accordingly, the application filed by applicants/accused Subhash Bhatia and Sharanjit Bhatia is hereby allowed and they are directed to furnish bail bonds in the sum of Rs.1,00,000/- each with one surety in the

like amount each to the satisfaction of Illaqa Magistrate/Duty Magistrate.
The Ld. Trial Court shall be at liberty to serve notice U/S 446 Cr.P.C upon the applicants/accused. Anything said in this order, shall have no effect on the merits of main trial in any manner. File be consigned to the record room.

Pronounced:
12.02.2019
(mahesh)

(Puneet Mohan Sharma)
Addl. Sessions Judge(UID PB0167)
Shaheed Bhagat Singh Nagar.