

**IN THE COURT OF SANDEEP KUMAR SINGLA,  
 ADDL.SESIONS JUDGE,  
 SAS NAGAR(MOHALI).**

**CNR No.PBSA01-000464-2023  
 Date of decision 16.01.2023**

1. Vijay Kumar Kamboj aged 30 years son of Naresh Kumar Kamboj resident of Muradgar Tehsil Indri, District Karnal ( Haryana).
2. Arvind Kumar Kamboj aged 36 years son of Naresh Kumar Kamboj resident of village Muradgarh Tehsil Indri, District Karnal, ( Haryana).

.....Accused/applicants.

Versus

State of Punjab

.....Respondent.

FIR No.69 dated 16.04.2015,  
 Under Sections 406/420/467/468 of IPC and Section 24  
 of Immigration ACt  
 Police Station: Zirakpur

**Application u/s 438 Cr.P.C.**

Present : Sh. Deepak Kamboj Advocate counsel for  
 applicants/accused.  
 Sh. S.S. Sahota Addl.P.P. for the State

**O R D E R**

1. Bail application received by entrustment. It be registered. Notice of the bail application given to the learned Addl.P.P. for the State present in the Court who accepted the notice.
2. The applicants are seeking anticipatory bail in the aforesaid F.I.R on the ground that in the present case they were on bail and had been appearing before the court on each and every date of hearing. The prosecution has already examined 13 witness in the present case. It is pleaded that due to Covid-19 situation in India the case was being adjourned

and they were not aware of on going proceedings of the case. They came to know now that they have been ordered to be summoned through non bailable warrants vide order dated 23.08.2022 only for procuring of the presence of the applicants, however, they have not been personally served. Now the case is pending for 23.01.2023 and they intends to join the proceedings of the case. The absence of the applicant before the learned trial court was neither willful nor intentional. He undertakes that they will never jump the bail in future and are ready to furnish the fresh bonds. Accordingly they have prayed for grant of anticipatory bail.

3. I have heard the learned counsel for the applicant and learned Addl. Public Prosecutor for the state.

4. The learned counsel for the applicant argued that the absence of the applicant before the learned trial Court was unintentional and are ready to join the proceedings of the case, as such, they be granted concession of anticipatory bail. The learned Addl. Public Prosecutor for the State on the other hand argued that scope of 438 Cr.P.C. cannot be extended to cases where such apprehension of the arrest is on account of jumping bail. Accordingly, he has prayed for dismissal of the bail application.

5. Admittedly the applicants were already on bail and upon their failure to appear before the learned trial Court, their bail bonds were not cancelled and bail order still stands. When their presence could not be secured in ordinary process, now they have been ordered to be served through non bailable warrants. Since the applicants have approached this court through the present application which show that they intend

to join the proceedings of the case. So, the trial to proceed to its natural culmination and in view of the fact that their bail order is in existence therefore, it would be appropriate if the applicants be directed to surrender before the learned trial Court. Hence, this Court is of the considered view that the applicants are directed to surrender before the learned trial Court within 7 days from today and furnish fresh bail bonds to the satisfaction of the learned trial Court. Application stands disposed off accordingly and this file be consigned to the record room.

**Pronounced**  
**Dated:-16.01.2023**  
*Balwinder*

**(Sandeep Kumar Singla)**  
**Addl. Sessions Judge,**  
**SAS Nagar (Mohali).**

