

State of Punjab vs. Pawan Kumar and others
CNR No.PBKPA10001372022 Regd.No.CHI-12-2022

Present: Sh.Robin Sharma, Advocate for applicant/accused.
Sh.Arinder Singh, Ld.APP for State.

Arguments heard on surrender and bail application moved by accused Pawan Kumar. It is averred in that the accused is patient of severe fever and undergo treatment of several doctors at Jalandhar from last about two years. The accused has inadvertently missed the date of hearing and absented from the court. It has been further submitted that the accused himself surrendered in the court and now the accused is in judicial custody. The accused undertakes to abide by all the terms and conditions imposed by this court while granted him confession of bail. On the other hand, learned APP for State opposed the bail application on the ground that accused misused the confession of bail earlier granted to him and he was declared proclaimed offender. As such, the accused is not entitled for confession of bail.

2. Perusal of file transpires that the accused-applicant absented from the court proceedings and he was declared as proclaimed offender vide order dated 04.10.2023. Further, as per copy of order dated 04.03.2023, passed by the Hon'ble Punjab and Haryana High Court, Chandigarh, received in this court, the accused filed CRM-M-54948-2023 for quashing of order dated 4.10.2023, which was dismissed as withdrawn with direction to surrender before the trial court within one week from the date of order and seek appropriate remedy as available to him. Thereafter, the present accused surrender before this court on 11.3.2024 and was sent to judicial custody.

The conclusion of trial of the case is likely to take long time. The accused

might have learnt a lesson for being absented from the court proceedings. The bail and not jail is the rule of law. Hence, in view of the facts and circumstances as well as gravity of the offences involved in the present case, the accused/applicant is ordered to be released on bail on his furnishing personal bail bonds in the sum of **₹50,000/- with one surety in the like amount**, subject to following conditions:-

- (i) The accused/applicant shall remain present before the Court on each and every date of hearing.
- (ii) The accused/applicant shall not influence the witnesses of the prosecution nor shall try to intimidate or threaten the witnesses of the prosecution.
- (iii) The accused/applicant shall not leave India, without intimation and prior permission of the Court.
- (iv) The accused/applicant shall not commit similar kind of offence during the pendency of the present case.

The application stands allowed and disposed of accordingly. Copy of this order be forwarded through E-mail to the concerned Superintendent of Jail, in which the accused is lodged. Personal bail bonds and surety bonds not furnished. File be now put up on date already fixed i.e. 22.03.2024.

Pronounced in the Court:

Dated:13.03.2024

(Dolly Pal)

(Directly Dictated on Computer)

(Surekha Dadwal)
Sub Divisional Judicial Magistrate,
Phagwara
(UID PB-0341)