

Harbhinder Singh Vs. State of Punjab

CIS No.PBRO01004860-2024

CIS No. BA-1435-2024

Present: Shri Ajay Kaushal Advocate, counsel for
applicant/accused.
Shri S. S. Saini, Addl. Public Prosecutor for State.

ORDER:

1. Arguments on anticipatory bail application moved by applicant/accused under Section 482 of BNSS 2023 (Old Section 438 of Cr.P.C) in case bearing FIR No.80 dated 04.08.2006 under Sections 325, 323, 148, 149 of IPC Police Station Morinda, heard. Police record has been received and perused.

2. Learned counsel for applicant/accused has argued that applicant/accused has been falsely implicated in this case. He has further submitted that earlier applicant/accused was released on bail by the learned Trial Court of JMIC, Rupnagar. The counsel of applicant/accused told him that there is no need to appear on each and every date and due to this reason the applicant/accused had gone to Italy and when the applicant/accused was in Italy then the learned Trial Court has summoned the applicant under Section 319 Cr.PC but due to residing in Italy, the applicant/accused could not appear before the trial Court and the learned Trial Court declared the applicant/accused as proclaimed offender vide order dated 04.12.2009. The non appearance of applicant/accused was not intentional, but due to above said reason. Applicant/accused is ready

to join the proceedings before the learned trial Court. Therefore, it is prayed that applicant/accused may kindly be released on anticipatory bail.

3. On the other hand, learned Additional Public Prosecutor for the State has argued that applicant/accused who had been summoned by the learned Trial court under Section 319 CrPC to face the trial in this case bearing FIR No.80 dated 04.08.2006 under Sections 325, 323, 148, 149 of IPC Police Station Morinda, did not appear despite issuance of notice again and again and the learned Trial court Court has rightly issued nonailable warrant of arrest against him to procure his presence and when he did not appear despite issuance of nonailable warrant of arrest against him again and again, proclamation was issued against him under Section 82 of the Code of Criminal Procedure and he was declared proclaimed offender when he did not appear despite service through proclamation. Therefore, it is prayed that the anticipatory bail application moved by the applicant/accused may kindly be dismissed.

4. From the perusal of file of learned Trial Court, it is apparent that applicant/accused was ordered to be summoned under Section 319 Cr.PC to face trial for the offence punishable under Section 325, 323, 148,149 IPC. He did not appear despite issuance of notice,ailable warrant of arrest, non-ailable warrant of arrest and proclamation under Section 82 Cr.P.C. against him by the learned Trial Court and when he did not appear despite proclamation under Section 82 Cr.P.C. he was declared proclaimed offender by the learned Trial Court vide order dated 04.12.2009. Thus due to act and conduct of the applicant/accused, the trial

in the instant case is unnecessarily hampered and delayed for a period of more than 08 years. The apprehension of absconding the applicant/accused from the Court proceedings again if he is released on bail cannot be ruled out. As such, this Court does not deem it fit to grant the concession of bail to accused/applicant and the bail applicant moved by him is dismissed. Trial Court record be sent back alongwith copy of this order. Bail application be consigned to the record room.

Announced.

Dated: 11.11.2024.

(Sham Lal),
Addl. Sessions Judge
Rupnagar
[UID No.PB0123]