

**In the Court of Shri Avtar Singh Barda, Additional Sessions Judge,
Gurdaspur UID NO.PB-0159**

Bail Application No. 160 of 24.05.2019

CIS No. BA-1440-2019

Date of decision: 31.05.2019

Tarsem Singh son of Amar Singh resident of village Chopra, Tehsil and District Gurdaspur.

----Applicant/accused

Versus

State of Punjab

----Respondent

FIR No. not known dated not known

U/s Not Known

P.S. Women Cell, Batala

Ist Application for bail under section 438 CrPC

Present: Shri U.R. Sharma, Advocate, counsel for the applicant/
accused
Shri Kiran Kumar, Additional Public Prosecutor for the State.

ORDER

1. This order of mine shall dispose of 1st bail application moved by the applicant-accused Tarsem Singh under Section 438 Cr.PC in the above noted case.

2. Notice of bail application was given to the State upon which, Sh. Kiran Kumar, learned Additional Public Prosecutor put in appearance.

3. In pursuance of notice, ASI Prabhpal Singh, no. 2292/Btl. P.S. Women Cell 2, Batala has come present today in the court and suffered statement that there is no application or inquiry is pending against the applicant/accused Tarsem Singh in P.S. Women Cell 2, Batala and no

FIR registered against him till now. Accordingly, keeping in view of the totality of the facts and circumstances of the case referred to above, the present anticipatory bail application under section 438 Cr.P.C being devoid of any merits, same is ordered to be declined being infructuous.

4. However, if in this case accused/applicant arrested in the afore said police station at the instance of present complainant, for offences which are punishable with imprisonment for a period of less than seven years, in such like offences Hon'ble Supreme court of India has given the direction to be followed by the Investigating officer before effected arrest of the accused in case law titled as **Arnesh Kumar versus State of Bihar reported in 2014 (3) -Criminal court cases-001** and those directions shall be complied with. In case applicant is sought to be arrested in the afore said circumstances, three days prior notice shall be given to him to enable him to approach the appropriate court to avail appropriate remedy, if any available under the law. Copy of this court be conveyed to the concerned police station and bail application file be consigned to record room.

Dated 31.05.2019

(Avtar Singh Barda)
Additional Sessions Judge,
Gurdaspur UID No.PB-0159

Dilbag Singh Stenographer-II

Present: Shri U.R. Sharma, Advocate, counsel for the applicant/
accused
Shri Kiran Kumar, Additional Public Prosecutor for the State.

Shri Kiran Kumar, Addl.P.P. appeared on behalf of the State.

ASI Prabhpal Singh, no. 2292/Btl. P.S. Women Cell 2, Batala has appeared and suffered statement that there is no application or inquiry is pending against the applicant/accused Tarsem Singh in P.S. Women Cell 2, Batala and no FIR registered against him till now. In view of the statement, the present anticipatory bail application under section 438 Cr.P.C is ordered to be declined being infructuous. However, in case applicant is sought to be arrested as discussed in the detailed order of even date, then three days prior notice shall be given to him to enable him to approach the appropriate court to avail appropriate remedy, if any available under the law.

Copy of this court be conveyed to the concerned police station and bail application file be consigned to record room.

Dated 31.05.2019

(Avtar Singh Barda)
Additional Sessions Judge,
Gurdaspur UID No.PB-0159

Dilbag Singh Stenographer-II