

1. IN THE COURT OF SHRI PUSHVINDER SINGH, ADDITIONAL SESSIONS JUDGE, GURDASPUR.

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3.

CIS No.BA/1448/2018

4.

Bail application no.222 dated

04.06.2018

5.

Date of order : 04.07.2018

6.

7. Palwinder Singh @ Jhona son of Surjit Singh, resident of W.No.2 Model Town Dhariwal, P.S.Dhariwal, Tehsil and District Gurdaspur

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Applicant/accused

10.

Versus

11.

12.State of Punjab

13.

14.

.....Respondent

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16.

FIR No.41 of 21.08.2015,

17.

U/Ss.25/54/59 Arms Act & 34 IPC

Police Station GRP

Pathankot

18.

19.

First bail application under section 438 CrPC

20.

21.Present:

Shri H.S.Lakhanpal, Advocate for applicant-accused.

22.

Shri Kiran Kumar, Addl. P.P. for the State

23.

24.ORDER

25.

1. This application has been filed by the applicant/accused for anticipatory bail stating that applicant/accused has been attending regularly, but inadvertently, applicant/accused noted wrong date of hearing and due to unavoidable circumstances did not appear before the learned trial court on 21.02.2018. So, his bail order was cancelled. So, proceedings under section 82 CrPC was initiated.
2. Notice of this application was given to Addl. P.P. for the State and Shri Kiran Kumar, Addl.P.P. appeared and opposed the bail application. Trial court file has also been requisitioned.
3. I have heard the counsel for the applicant/accused and learned Addl.PP for the State and gone through the trial court file very carefully.

4. From perusal of the trial court file, I find that applicant/accused was released on regular bail and when case was pending for evidence of the prosecution. The applicant/accused Palwinder Singh and co-accused Gurjant Singh absented themselves. So, their bail orders and bonds were cancelled and bail bonds furnished by them are forfeited. Thereafter, proceedings against applicants under section 82 CrPC were initiated. The applicant/accused absented himself from the proceedings of the court without any intimation given to the court. As such, he misused the concession of the bail. As such, now benefit of anticipatory bail cannot be granted to the applicant/accused and proper remedy with the applicant/accused is to surrender before the learned trial court. So, application is dismissed. However, if the applicant/accused shall surrender before the learned trial court within 10 days from today and move application for regular bail, then his application shall be decided by learned trial court on the same day provided the applicant/accused shall appear before the trial court on any working day before lunch time. Trial court file be returned along with copy of this order. Bail application file be consigned to the record room.

Dated 04.07.2018
(Pushvinder Singh)
Additional Sessions Judge,
Gurdaspur UID No.PB-0116

Kuldip Singh Stenographer-I