

BA 1442 of 2022 Surinder Kumar versus State of Punjab
CNR No. PBFZC0-003326-2022

Present: Shri Kapil Goel Advocate counsel for applicant-
accused.
Shri Harvinder Singh, P.P. for the State-respondent.

This order of mine shall dispose of the present anticipatory bail application u/s 438 (I) Cr.P.C. moved by the applicant/accused Surinder Kumar in FIR No. 239 dated 17.10.2021 U/S 174-A IPC, PS City-I, Abohar on the allegations that a complaint U/s 138 of Negotiable Instrument Act bearing No. NACT-27/2020 titled as 'Mahesh Kumar versus Surinder Kumar' was pending in the Court of Shri Lakhbir Singh, Judicial Magistrate Ist Class, Abohar, in which, applicant was summoned by the Learned Trial Court, but, he could not appear in the learned Trial Court and ultimately, he was declared as 'Proclaimed Person' vide order dated 31.08.2021 with the directions to the concerned police to initiate proceedings U/S 174-A IPC against the applicant. Hence, the present FIR was registered against the applicant-accused.

Apprehending his arrest in the aforesaid FIR, the present anticipatory bail application has been moved on his behalf.

2. Notice of the bail application was given to the State. Learned P.P. appeared on behalf of the State and contested the same.

3. I have heard the learned counsel for the accused/applicant, Public Prosecutor for the State and also perused the police file.

4. The learned counsel for the applicant/accused contended that the applicant-accused was suffering from paralyze and later on, he suffered heart attack and now his treatment is going on. Due to the above said reasons, he could not appear before learned Trial Magistrate and as such, he was declared a 'Proclaimed Person'. The police is raiding his house to

arrest him, whereas, no offence has been committed by the applicant-accused. The applicant is ready to face trial before the learned Trial Court. The learned counsel for applicant-accused has thus, prayed for acceptance of the present anticipatory bail application.

5. On the other hand, learned P.P. for State has contested the bail application by arguing that the accused has committed serious offence. As such, the accused be not granted interim bail.

6. This Court has heard the contentions raised by learned P.P. for State and learned counsel for applicant/accused and gone through the case file.

7. Bail application file contains photo copies of certain medical record regarding his alleged illness/disease. Police file contains the original order of learned Trial Court dated 06.09.2021 directing the SHO P.S.City-I, Abohar to take necessary action under section 174-A IPC against the accused, as he has been declared a 'Proclaimed Person' by the learned Court in a complaint case titled 'Mahesh Kumar versus Surinder Kumar' u/s 138 N.I.Act vide order dated 31.08.2021.

8. Considering the facts and circumstances of the present case, in the event of arrest, the applicant shall be released on bail to the satisfaction of Arresting/Investigating officer. The applicant shall also be bound by all the conditions contained in section 438(2) Cr.P.C. Bail papers be consigned to the record room.

Sd/-

Pronounced
Dated: 20.07.2022.
'Bhola Shankar'
'Stenographer Gr.I'

(Jatinder Kaur),
Sessions Judge,
Fazilka (UID No. PB0062)

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Present: Shri Kapil Goel Advocate counsel for applicant-
accused.

Upon notice, Shri Harvinder Singh, Public Prosecutor put
appearance and contested the bail application.

Heard. Report of Ahlmad perused. Vide my separate &
detailed order of today, the bail application u/s 438 (1) Cr.P.C. applied on
behalf of aforementioned applicant-accused has been disposed off, as
recorded therein.

Bail application file be consigned to the Record Room,
Fazilka, after due compilation.

Sd/-

Pronounced
Dated: 20.07.2022.
'Bhola Shankar'
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(Jatinder Kaur),
Sessions Judge,
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