

Present: Sh. SK Ladwal Advocate, counsel for the accused/applicant.
Sh. Mumtaz Ali Public Prosecutor for the State.

Order:-

Applicant/accused has filed this regular bail application on the allegations that this is second bail application after her absence on 28.03.2019. Her first bail was dismissed vide order dated 08.11.2019 due to typographical mistake. Earlier accused/applicant was released on bail but due to loss of slip on which date of hearing was mentioned, she could not appear in the court on 28.03.2019 and her bail order was cancelled and arrest warrants were issued. She was absented on 30.10.2019 and her absence was not intentional. She is innocent. So she be released on regular bail.

2. Notice served upon the State and Sh. Mumtaz Ali Public Prosecutor has appeared on behalf of State. Record received.

3. I have heard the arguments and gone through the file carefully. Applicant/accused has stated that her bail was dismissed by this court due to typographical mistake on 08.11.2019. Applicant/accused has stated wrong fact that her bail was dismissed on 08.11.2019 whereas her bail was dismissed by this court on 20.11.2019 but it is a mis-statment made in order to mis lead the court. The relevant portion of order dated 20.11.2019 which her bail was dismissed is reproduced as under:-

“So, perusal of the record shows that averments in the bail application are wrong that she surrendered in the court on 30.10.2019 and she has not disclosed that she was proclaimed offender in fact she was produced in the court after her arrest by the police and further more plea of the applicant/accused that she absented on 28.03.2019 due to loss of date of slip is also belied from the facts of the case in hand. As in case she has lost the slip of date then her co-accused was none else than her husband and he was regularly appearing in the court. So, her absence due to loss of date slip is also wrong. In such circumstances, the person who approached the court by stating wrong facts in order to get discretionary relief of bail, does not deserve to be released on bail.”

4. In the present bail application, again applicant/accused has mis stated the fact with regard to date of dismissal of her first bail application and cause of her absence from the trial on 28.03.2019, already observed in order dated 20.11.2019. In case she had lost the slip of date then her co-accused was none else than her husband and he was regularly appearing in the court. Further more if she has absented due to loss of date of slip than she should have surrendered in the court when her husband appeared before the Trial Court but she failed to surrender inspite of issuance of arrest warrants and she was declared proclaimed offender. Thereafter she was arrested by the police and produced in the court on 30.10.2019. She is filing bail applications time and again by stating wrong facts as already observed in order dated 20.11.2019 vide which her first bail application was dismissed. The applicant/accused has approached the court by stating wrong facts in order to to get discretionary relief of bail, she does not deserve to be released on bail. Hence, the present bail application is hereby dismissed. File be consigned to the record room.

Pronounced:-

(Virinder Aggarwal)
Sessions Judge, Barnala
(UID PB0045)

Date of order: 16.12.2019
Manpreet Kaur (Stenographer-III)