

**In the Court of Sanjay Agnihotri,
Additional Sessions Judge-I,
Kapurthala
(UID No.PB0099)**

CNR No. PBKP010036112024



Case No. BA/1470/2024

Presented on : 25-07-2024
Registered on : 26-07-2024
Decided on : 01-08-2024

- 1) **Baljit Singh @ Bobby** aged about 29 years son of Jaspal Singh, resident of Mohalla Mehtabgarh, PS City, District Kapurthala and 2nd address resident of Mohalla Ucha Dhora, Kapurthala.
- 2) **Mandeep @ Mohit** aged about 24 years son of Jaspal Singh, resident of Mohalla Mehtabgarh, PS City District Kapurthala and 2nd address resident of Mohalla Ucha Dhora, Kapurthala.

....Accused/applicant

Versus

State of Punjab

...Respondent.

FIR No.0140 dated 16.11.2017
Under section 22,61,85 NDPS Act
Police Station Fattu Dhinga Kapurthala

First application for bail under Section 438 Cr.P.C.

Present: Ms. KK Pannu, Advocate for applicants/accused.
Ms. Reena Rani, Ld. Addl. P.P. for the respondent/State

ORDER:

1. This order shall dispose of an anticipatory bail application filed by the applicants-accused **Baljit Singh @ Bobby** and **Mandeep @ Mohit** on 25.07.2024 in case F.I.R. aforementioned

2. Notice of the bail application was issued to the respondent State and learned Additional Public Prosecutor for the State has contested the bail application. Record has been requisitioned.

3. It has been averred in the anticipatory bail application that the applicants could not appear before the court as they mistook the date of hearing. Their absence was not intentional but was due to above said fact.

4. Arguments heard and record perused with the able assistance of learned counsel for the applicants/accused and Addl. Public Prosecutor for State.

5. A perusal of copy of Order dated 30.05.2024 passed by the learned trial court shows that applicant/accused was facing trial of the case after being granted bail by the court. They absented themselves on 30.05.2024 thus their bail orders were cancelled and their bail bonds/surety bonds were cancelled and forfeited to the State.

6. The Hon'ble Punjab & Haryana High Court in **Pawan Kumar Vs. State of Haryana CRM-M-39172-2021 decided on 21.09.2021** has held that, "this Court finds that it is only when there is an apprehension of his arrest of an accused upon an apprehension of his arrest of an accused upon an accusation having been made i.e. upon institution of FIR or lodging of complaint or otherwise having been summoned by the Court for the first time to face trial that a person may approach the Courts under provisions of section 438 Cr.P.C. seeking grant of anticipatory bail. The scope of 438 Cr.P.C. cannot be extended to cases where such apprehension of arrest is on account of jumping bail. It has also been observed by the Hon'ble High Court that this Court cannot lose sight of the fact that there would be certain cases where an accused is unable to appear

before the trial Court on account of genuine reasons, say-on account of having noted the date incorrectly or on account of certain reasons which are beyond his control. In such cases, the accused can surrender before the trial Court and it is expected that the trial Courts would take a lenient view in genuine cases and decide the regular bail applications expeditiously. In a given set of circumstances where the trial Court is satisfied that there were valid reasons for the absence of an accused and that he has surrendered at the shortest possible time, the trial Court can in fact dispose of the regular bail application on the very day the same is presented by accused upon his surrender. The trial Court, in its discretion, may also chose to grant interim bail, in fit cases, but only after surrender of accused. The petition stands disposed off accordingly."

7. In view of above, the benefit of anticipatory bail cannot be extended to them as they have been apprehension their arrest on account of jumping of bail. As such, this Court does not deem it fit to grant the concession of pre-arrest bail to accused/applicants and the bail application is **dismissed**. Bail application file be consigned to the record room(J), Kapurthala.

Pronounced in open Court:-

Dated: 01.08.2024.

Nirlep Kaur, Steno Gr.I

**(Sanjay Agnihotri),
Additional Sessions Judge,
Kapurthala.(UID No.PB0099)**

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Baljit Singh @ Bobby & Anr. Vs. State of Punjab

Present: Ms. KK Pannu, Advocate for applicants/accused.
Ms. Reena Rani, Ld. Addl. P.P. for the respondent/State

Arguments heard. Vide my separate and detailed order of even date, the present bail application filed by applicants/accused has been **dismissed**. Bail application file be consigned to the record room(J), Kapurthala.

Pronounced in open Court:-
Dated:01.08.2024.

Nirlep Kaur Stenographer Gr.I

(Sanjay Agnihotri),
Additional Sessions Judge,
Kapurthala.(UID No.PB0099)