

IN THE COURT OF RAKESH KUMAR,
UID No. PB-0138,
ADDITIONAL SESSIONS JUDGE,
KAPURTHALA.

CNR No. PBKP010038622022



Case No. BA/1566/2022

Presented on : 25-08-2022
Registered on : 26-08-2022
Decided on : 02-09-2022

State

Versus

Kuldip Singh @ Kattu, s/o Vaid Singh, aged about 30 years, r/o Village Hamira, Police Station Subhanpur, District Kapurthala.

... Applicant/accused.

FIR No.0093 of 15.05.2019,
Under Sections 323, 324, 341, 379-B, 148, 149 of
Indian Penal Code,
Police Station – Kotwali, Kapurthala.

Application for bail under section 439 of Cr.P.C.

Present: Sh.B.J.S.Bajwa, Advocate for applicant/accused.
Ms. Aarti Mehta, Additional Public Prosecutor for the State.

O R D E R

Case record received and perused. **Arguments have been heard** on the present regular bail of above referred applicant/ accused Kuldip Singh @ Kattu, whereby he is stated to be in judicial custody since 19.04.2022 in the present FIR.

2. As per record the applicant/ accused, in the pendency of that

trial of aforesaid FIR was absented from the proceedings and ultimately, non bailable warrants were issued against him apart from notice to his surety. Now, he is stated to be in judicial custody since 19.04.2022. Aggrieved therefrom, the applicant/ accused has sought his regular bail vide present regular bail application.

3. Learned counsel for the applicant/ accused has vehemently contended that he has been falsely implicated in the present case. The reason behind his absence from the trial was neither intentional nor willful, but due to his ill health. Now, sufficient period of his custody has been passed. The conclusion of trial will take long time. He can not be detained for an indefinite period in custody.

4. On the other hand, learned Addl. PP for the State has argued that gravity of offence does not warrant the concession of bail the applicant/ accused. Accordingly, a prayer for dismissal of bail application has been made.

5. I have heard the submissions made by learned counsel for the applicant/ accused Kuldip Singh @ Kattu and learned Addl. PP for the State.

6. Admittedly, the applicant/ accused Kuldip Singh @ Kattu is in judicial custody since 19.04.2022 finding his aforesaid unwarranted act, which led to issuance of non-bailable warrants against him. Now, the aforesaid period of his custody since 19.04.2022 till date i.e. 02.09.2022 is sufficient to remind him not to absent from the proceedings of the trial. He cannot be punished before the trial. The conclusion of trial will take time. In view of these circumstances, he cannot be detained for an indefinite period.

7. Thus, the present regular bail application of the applicant/

accused Kuldip Singh @ Kattu is, hereby, allowed, subject to furnish the personal bonds to the tune of Rs.75,000/- with one surety in the like amount. However, any observation made herein shall not be construed to be an expression on merits of the case. This bail application be appended with the main case file of present FIR.

Pronounced in open Court.

Dated: 02.09.2022.

Kaushal Kumar

(Rakesh Kumar),
Additional Sessions Judge,
Kapurthala.
(UID No. PB-0138)

(Directly dictated on computer)