

CNR No.PBFG010008642018

BA/232/2018

State Vs. Bittu Singh

Present: Sh.R.G.Sharda, Advocate for the accused/applicant.
Sh.H.S.Kahlon, Addl.PP for the State.

1. This order shall dispose off a bail application Under Section 439 Cr.P.C. filed by applicant/accused Bittu Singh for grant of regular bail arising out of FIR No.146 of 2013, U/S 407, 420, 473, 120-B of IPC, registered at Police Station Mandi Gobindgarh.

2. Heard. Record perused.

3. Perusal of the record would show that consequent to the registration of the FIR in question, under Section 407, 420, 473, 120-B of IPC against the applicant/accused he could not be arrested. Proclamation proceedings were undertaken which culminated into the order dated 28.5.2014 vide which he was declared as a proclaimed offender. Subsequently the applicant/accused Bittu was arrested on 28.11.2016. The first bail application filed by the accused before the learned Trial Court was dismissed.

4. It is contended on behalf of the accused that he was not aware of the proceedings taken under Section 82 of Cr.P.C.. His absence was not intentional. He has been sufficiently penalized for remaining absent as he is in custody since 28.11.2016.

5. Although, it is evident from the record that the applicant/accused has evaded trial for almost 1 ½ years, yet, it is a matter of fact that he was arrested on 28.11.2016. For the last almost more than 1 ¼ years he is in custody. This court is of the confirmed and considered view that since trial of the case is likely to take time, no useful purpose is going to be served by detaining the accused/applicant in custody for an indefinite period. Therefore the bail application in hand stands allowed and the accused/applicant is admitted on bail subject to his furnishing bail bond in the sum of Rs.50,000/- with one surety in the like amount to the satisfaction of learned Ilaqa Magistrate/Duty Magistrate and also subject to the condition that :

- i. That the accused/applicant will not tamper with the prosecution evidence or dissuade the prosecution witnesses
- ii. That the accused/applicant will not leave India without prior permission of the Court;
- iii. That the accused/applicant will appear in the Court on each and every date of hearing, failing which his bail order will be cancelled, unless such absence is for a reasonable cause.

6. Copy of the order be forwarded to the learned trial court/Duty Magistrate forthwith for compliance. Bail application record be consigned to the record room.

Announced:

(Navjot Kaur)

6.4.2018
Sorbh Singla,JW

Additional Sessions Judge,
Fatehgarh Sahib (UID NO.PB0067)