

**IN THE COURT OF SH. SANDEEP SINGH JOSSAN (PB0150)
ADDITIONAL SESSIONS JUDGE, HOSHIARPUR.**

**BA No. 1617/2022
CNR No.PBHO010049092022
Decided on: 25.7.2022.**

State of Punjab

Versus

Mukesh Kumar aged 32 years, son of Sh.Mangat Ram, resident of village Khunda, P.S. Hajipur, Tehsil Mukerian, District Hoshiarpur.

Complaint Case

Bail application U/s 438 Cr.P.C.

Present: Sh.JPS Dhanoa, cl for the accused/applicant.
Addl. PP for the State.

ORDER

1. Record of Id.Lower Court received.

This order disposes off bail application of accused described in detail herein above. The case in which this application is filed is pending in the lower court. Accused absented from the court proceedings. Bail bonds and surety bonds of the accused cancelled and forfeited to the State. Nonailable warrants of arrest were issued.

2. It is alleged on behalf of accused that accused/ applicant has been falsely implicated in this case due to political rivalry otherwise he is innocent and nothing to do with the allegations of the case. That,

accused/ applicant is a hotelier by profession and running a hotel in Manali and when after hearing of the case went there to his business and later when he was on the way for case hearing before the Trial court there occurred land slide due to peak rainy season which due to which he was struck up and could not reach before the Trial Court, nor could inform his counsel. Consequently, Id.Trial Court vide its order dated 5.7.22 cancelled the bail and surety bonds of accused/ applicant. However, he was never negligent in his appearance, but due to above said reason.

3. Application has been opposed by the State.

Perusal of the file shows that accused absented himself on 5.7.22 and his non-bailable warrants were issued for 27.7.22, which is yet to come, meaning thereby accused immediately filed this bail application and accused filed this application by stating that accused is a in business of hotel in Manali and after the date of hearing he went to Manali, but thereafter there occurred a land-slide which resulted into the blockage of roads. So to my mind, non appearance of accused appears to be bonafide and accused deserves to be protected from arrest so, keeping in view that accused ready to surrender in the court, no useful purpose is going to be served by procuring presence by way of arrest warrants with the intervention of the Police nor custodial interrogation is required nor anything is to be recovered from accused. As such the present anticipatory bail is allowed and applicant-accused admitted to bail on furnishing bail bonds to the satisfaction of the trial court, subject to the condition that accused shall appear before the Trial Court within seven days, failing which present bail application shall deem to be dismissed.

Lower Court record be returned forthwith alongwith the copy of this order. Record of present bail application is ordered to be consigned to the record room.

Pronounced. Dated: 25.7.2022.	Sandeep Singh Jossan PB0150 Additional Sessions Judge, Hoshiarpur.
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Typed by : Mukesh Chander
Stenographer Grade-1.