

IN THE COURT OF RAMESH KUMARI, (UID No.PB0039)  
SESSIONS JUDGE, GURDASPUR

Bail Application No.162 of 2019  
Date of Institution: 11.07.2019  
Date of Decision: 17.07.2019

Amarjit Singh @ Amba son of Harbhajan Singh, R/o village Khera  
Sultan, Tehsil Batala, District Gurdaspur.

...Applicant/Accused

Versus

State of Punjab

...Respondent.

FIR No.20 dated 05.04.2013  
U/s 379, 411 IPC  
P.S. Kotli Surat Malhi

1<sup>st</sup> Bail Application U/s 439 Cr.P.C.

Present: Shri Jagjit Singh, Advocate, counsel for applicant/accused.  
Shri A.P.S. Sandhu, Public Prosecutor for the State.

ORDER:

This order of mine shall dispose of bail application under  
Section 439 of the Code of Criminal Procedure (hereinafter referred to  
as Cr.P.C.) filed on behalf of applicant/accused Amarjit Singh @ Amba,  
in case FIR No.20 dated 05.04.2013, U/s 379, 411 of Indian Penal Code  
(hereinafter referred to as IPC), registered at P.S. Kotli Surat Malhi

2. The brief facts of the prosecution case are that on  
15.04.2013, ASI Balwinder Singh alongwith other police officials was  
on patrolling duty and in search of bad elements and they were present  
at Adda Kotli Surat Malhi, where they received a secret information that

Amarjit Singh alias Amb son of Harbhajan Singh resident of Khehra Sultan is indulging in committing theft of motorcycles and further sells the same and on that day also he was in the process of selling a stolen motorcycle make Hero Honda Splendor and if a raid be conducted at bridge drain Athwal, he could be apprehended with a stolen motorcycle. The information being reliable, the investigating officer alongwith other police officials held at the stated place and started checking the vehicles. After some time, the police party saw a clean shaven person coming on a black coloured motorcycle Splendor Plus from the side of Kalanaur and on seeing the police party he became perplexed and when he was about to turn his motorcycle towards his backside, the Investigating Officer with the help of other police officials apprehended him and on being enquiry, he disclosed his name as Amarjit Singh alias Amba son of Harbhajan Singh. The accused could not produce the documents of the motorcycle. On these allegations the present case has been registered.

3. Learned counsel for the applicant/accused has argued that the applicant/accused is innocent and has been falsely implicated in the present case. The applicant/accused was involved in another case FIR No.188 dated 14.03.2017, under Section 379-B/34 IPC, P.S. Navi Baradari, Jalandhar and remained in custody since 14.03.2017 and during this custody period, he has been declared proclaimed offender in the present case. He further argued that the absence of the

applicant/accused was not intentional but because of aforesaid reason and prayed for the grant of regular bail to the applicant/accused.

4. On the other hand, learned Public Prosecutor for the State has argued that the applicant/accused remained absent from the Court for a very long period without any intimation. Therefore, he should not be granted the concession of regular bail and prayed for dismissal of the bail application.

5. I have very thoughtfully considered the above rival contentions of both side and perused the record.

6. Perusal of record of learned Trial Court reveals that the applicant/accused Amarjit Singh @ Amba was declared proclaimed offender on 18.01.2018 by the then learned JMIC, Batala. On 18.03.2019, SI Arjan Kumar of P.S. Kotli Surat Malhi moved an application for issuance of production warrants of accused on the ground that he is declared proclaimed offender and lodged in Kapurthala Jail and serving the sentence in case FIR No.188 dated 14.03.2017, under Sections 379-B, 34 IPC. On the basis of this application, production warrants of accused was issued and then he was produced in the Court on 28.03.2019 and he was arrested in this case.

7. The applicant/accused Amarjit Singh @ Amba failed to inform the Court during trial of his inability to appear because of his custody in another case, since his date of arrest i.e. 28.03.2019 he is in custody in this case, he must have learnt a lesson for remaining absent from the proceedings of the Court without informing the Court about

his inability to appear. In the interest of justice, the present bail application is allowed. The applicant/accused is ordered to be released on bail subject to his furnishing of bail bond and surety bond to the satisfaction of learned Trial Court. However, before acceptance of bail bond and surety bond, the applicant/accused shall cause appearance of his previous surety Lakhwinder Kaur in the Court, if she already did not appear and the learned Trial Court shall serve a notice under Section 446 Cr.P.C., if not already served and pass an appropriate order because the interim order of the learned Trial Court dated 18.01.2018 reveals that the papers of the surety are separated from the challan file and proceedings under Section 446 Cr.P.C. are initiated against surety Lakhwinder Kaur and notice to surety was issued for 15.02.2018. A copy of this order alongwith trial court record be sent back to the concerned Trial Court for information and compliance. Bail application file be consigned to the record room.

Pronounced:  
17.07.2019

( Ramesh Kumari )  
Sessions Judge, Gurdaspur.  
( UID No.PB0039)

(*Vinay*)