

**In the court of Shri Parminder Singh Rai , Addl. Sessions Judge,
Hoshiarpur, UID No PB-0175**

CIS No. 1986 of 2018
CNR No PBH001-005890-2018
BA No. 927 of 26.9.2018
Date of order: 25.10.2018.

1. Manjinder Singh son of Ranjit Singh aged 31 years resident of Bulewal Udhanwal, Distt. SBS Nagar.
2. Harman Singh s/o Sh Mejar Singh aged 30 years R/o Bela Tajowal, Distt. SBS Nagar.

-Accused-applicant

Versus

State of Punjab

-- Respondent.

FIR No. 115 dated 10.7.2015
U/s 379/34 IPC
Police Station: Mukerian distt. Hoshiarpur.

Ist bail Application U/s 438 Cr.PC

Present: Shri A.S Minhas adv. for applicant-accused.
Shri T.S Grewal Addl. PP for the State.

ORDER:

1. This order of mine shall dispose of an application for anticipatory bail moved by the applicant-accused.
2. The application has been filed on the ground that one case titled as State Vs Maninder Singh & others is pending in the court at Mukerian. Previously the case was fixed for 22.1.2018 for prosecution evidence but on that day a holiday was declared by the Hon'ble High Court on account of Basant Festival and the file was taken up on 23.1.2018 and notice to the

accused was issued for 24.4.2018 which was accepted by the applicants-accused, however they did not appear in the court as they wrongly noted the date as 24.5.2018 instead of 24.4.2018. The trial court has cancelled the bail/surety bonds of accused and they have been summoned through Non bailable warrants of arrest.

3. The learned counsel for the applicants-accused has argued that inadvertently the applicants-accused noted wrongly the next date of hearing as 24.5.2018 instead of 24.4.2018, so they could not appear in the court on 24.4.2018. Now the applicants-accused are ready to surrender/appear in the trial court and necessary directions be issued to the learned trial court to admit them on bail.

4. The application is opposed by the learned Addl. PP for the State on the ground that applicants-accused have willfully absented from the court despite having knowing regarding the date of hearing, so they are not entitled to be released on bail.

5. I have carefully considered the submissions of the parties. Record of trial court has been called and perused. Perusal of record would show that case was fixed on 22.1.2018, on which date it was declared holiday and file was taken up on 23.1.2018, on which date accused-applicants absented and notice was issued to them for 24.4.2018, on which date notice was received back duly served, however accused/applicants did not turn up, whereas their other co-accused Veero had come present and is on bail. Thereafter bail order of accused were cancelled and they

were ordered to be summoned through Non bailable warrants of arrest. So, apparently story put forward by the present accused seeking grant of anticipatory bail is falsified as per record which shows that they were duly intimated by notice as well, of the date to be 24.4.2018 and the contention that they mistook the date as 24.5.2018 instead of 24.4.2018 is apparently falsified. So accused having not approached the court with clean hands, this court is of the view that they are not entitled to grant of anticipatory bail. However if they surrender before the trial court within 10 days from today, learned trial court is directed to decide the bail application of the applicants-accused within 3 days. Record of trial court alongwith copy of this order be sent back immediately and file of bail application be consigned to record room.

Announced:
Dt. 25.10.2018

(Kulvinder Singh)

Stenographer-II

(Parminder Singh Rai)
Addl. Sessions Judge
Hoshiarpur
UID No. PB-0175

Manjinder Singh Vs. State

Present: Shri A.S Minhas adv. for applicants-accused.
Shri T.S Grewal Addl. PP for the State.

Arguments heard. Vide my separate detailed order of even date, bail application filed by the accused has been dismissed with liberty that if they surrender before the trial court within 10 days from today, learned trial court is directed to decide the bail application of the applicants-accused within 3 days. Record of trial court alongwith copy of this order be sent back immediately and file of bail application be consigned to record room.

Announced:
Dt. 25.10.2018

(Kulvinder Singh)

Stenographer-II

(Parminder Singh Rai)
Addl. Sessions Judge
Hoshiarpur
UID No. PB-0175