

Present: Sh. Amit Mittal counsel for applicant/accused.

ORDER

Virtual court room set up through Video Application. This order of mine shall dispose of the bail application filed by the above referred applicant under section 438 Cr.P.C. in a complaint Under Section 138 of N.I. Act.

2. Notice of the bail application issued to the complainant but none has turned up on behalf of the complainant. Lower court record has been received and perused.

3. The learned counsel for the applicant has vehemently contended that the applicant could not appear before the trial Court on 04.02.2020 as the applicant was not medically fit since 24.12.2019 and doctor advised him for the complete bed rest. So, he was marked as absent on dated 04.02.2020 and non-bailable warrants of arrest has been issued by the learned trial Court on dated 04.02.2020 and the bail bonds of the applicant were forfeited on the said date. The absence of the applicant-accused is neither intentional nor willful and the applicant is ready to join the trial on the next date of hearing. The police is raiding in the house of the applicant-accused and applicant/accused apprehends that police will arrest the applicant-accused and will torture him unnecessarily. Lastly, prayer has been made for the acceptance of the bail application.

4. Heard. Record perused. From the perusal of record, it reveals that the applicant-accused was absented from the proceedings of the Court before the learned trial Court on 07.01.2020. Pursuant thereto, notices were issued to him to appear in the Court on 27.01.2020 and 04.02.2020 respectively but the applicant-accused failed to put appearance before the Court. Resultantly, vide order dated

04.02.2020, the bail order of the applicant-accused was cancelled and bail bonds and surety bonds were forfeited to the State and he was ordered to be summoned through non-bailable warrants of arrest and later on proclamation proceedings were initiated against him and due to outbreak of Novel Coronavirus (COVID-19) no further proceedings were carried out and now the trial Court file is pending at the stage of execution of proclamation proceedings against the applicant-petitioner. The explanation so furnished by the applicant-accused is seems to be plausible one as the same is supported by medical record. Since, the accused/applicant has apprehension of his arrest and the accused/applicant is ready to join the proceedings and to face trial, the applicant-accused is directed to surrender before the learned trial Court within seven days from today and move fresh bail application and learned trial Court is directed to decide the same as per law. During the said period, the arrest of the applicant-accused shall remained stayed. The bail application is hereby stands disposed off accordingly.

Lower Court record be returned alongwith a copy of this order. File be consigned to the Record Room.

Pronounced;
Dated: 15.10.2020
(Sunny Stenographer II)
(Direct Dictation)

(Anjana)
Additional Sessions Judge,
Moga. **(UID No.PB-0448)**