

BA-1947-2024
CNR No.PBJL01-006025-2024
Date of order: 29.04.2024.

Oliver Vs. State

FIR No.208 dated 03.12.2020
Under Sections 323. 325 of IPC
Police Station Jalandhar Cantt. Jalandhar.

Present: Sh.Pankaj Kumar Advocate, counsel for
applicant/accused Oliver.
Ms.Zeba Khalid Addl.PP for the respondent-State.

ORDER:

1. Pursuant to notice learned Additional Public Prosecutor appeared for respondent-State. Trial Court record i.e. file bearing No. CHI-60/2021 titled as “State Vs. Oliver” received. Heard. Record perused.
2. Learned counsel for applicant contended that latter was regularly appearing before the Court. On 21.04.2022 he could not appear as his previous counsel disclosed that there is no need to appear in this case as the case has been decided. Ultimately he was declared proclaimed offender on 15.07.2023. He was arrested by the police on 21.03.2024 and since then he is in custody. Non-appearance of applicant was neither intentional nor willful. Completion of trial will take time and no useful purpose would be served by keeping applicant-accused in custody. Therefore, the prayer to admit the applicant-accused to regular bail again.

3. Ld. Addl. Public Prosecutor opposed the bail application and prayed for its dismissal in view of conduct of applicant.

4. Perusal of Trial Court record reveals that applicant/accused had absented on 21.01.2022 and in due course was declared Proclaimed offender. However, ultimately he was arrested on 22.03.2024. Meanwhile evidence under Section 299 of Cr.P.C., stood recorded and file was consigned by learned Trial Court. Same has been requisitioned on arrest of this accused on 22.03.2024. He already has suffered detention of over one month. Disposal of challan will take time. The period of detention he had undergone also definitely will deter him from falling absent again.

5. In view of these circumstances, application is allowed. Accused/applicant will be released on regular bail by learned trial Court/ Duty Magistrate on furnishing of bail bonds to its satisfaction. However, the said Court/Duty Magistrate will be at liberty to cancel this bail order if at any stage, during trial, accused/applicant flouts the conditions of bail bonds. Trial Court record be returned forthwith along with a copy of this order. Bail application file be consigned to the Record Room.

Pronounced in open court.
29.04.2024

Munish, JW

Rajeev K. Beri,
Additional Sessions Judge,
Jalandhar. (UID No.PB0149)