

PBGD010047012024



Presented on : 30-05-2024
Registered on : 30-05-2024
Decided on : 03-06-2024
Duration : 0 years, 0 months, 4 days

IN THE COURT OF
Additional Sessions Judge
At Gurdaspur
(Presided Over by Sh. Raman Goklaney)

BA/1912/2023

Satwant Singh aged about 47 years son of Pritam Singh resident of Jalandhar Road, Near Guru Nanak Market Batala, Tehsil Batala, District Gurdaspur.

...Applicant/accused.

Versus

State of Punjab

...Respondent.

Application for bail U/s 438 of Code of Criminal Procedure.

FIR No. 0073 dated 27.4.2018.
Under section : 420/34 IPC.
Police station : City Batala.

Present : Sh. Deepak Sharma Advocate, for accused-applicant.
Sh. Bikramjit Singh, Additional Public Prosecutor for State.

O R D E R:-

1. Vide this order, anticipatory bail application filed by accused-applicant apprehending his arrest while putting in an appearance in case titled 'State versus Satwant Singh' bearing CIS No. CHI-218-2020 is being disposed off.
2. Facts of the case are that applicant/accused was facing trial in the aforesaid case emerging out of FIR No. 73 dated 27.04.2018 under sections

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420, 34 IPC registered at police station City Batala and got absent from trial and on account of non appearance of the present applicant/accused, he was declared proclaimed offender vide order dated 13.02.2024.

3. Sh. Deepak Sharma, Advocate, appeared for accused-applicant submitted that in fact applicant/accused had amicably settled the matter and the offences for which he was declared proclaimed offender are compoundable. Learned counsel next submitted that accused/applicant is ready to join the proceedings however he apprehends his arrest while putting in appearance and accordingly prayer for interim protection under section 438 Cr.P.C whiel putting in an appearance before the learned Trial Court in case titled 'State versus Satwant Singh' bearing CIS No. CHI-218-2020.

4. Sh. Bikramjeet Singh, learned APP for the State opposed the bail application on the ground that applicant/accused has no respect and honour for the law of the land. His conduct does not entail concession of anticipatory bail.

5. After hearing the rival contentions of the parties, it emerges out that Trial Court for procuring the presence of the absentee applicant/accused follow the procure before finally declared accused/applicant as proclaimed offender on dated 13.02.2023 as stated by learned counsel for applicant/accused. No arguments whatsoever has been raised by the learned counsel for applicant/accused to exhibit that any procedure or provision of law not followed while declaring accused/applicant as proclaimed offender rather he only submitted that accused/applicant declared proclaimed offender on 13.02.2024 and now he intends to join the proceedings. No cogent reason

whatsoever has been mentioned in the bail application to show the prolonged absence. Noting down wrong date can justify one or two absences if the case adjourns in such a manner, however, remaining absent for consecutive dates before the gets declared proclaimed offender cannot be justifiable on the ground of noting down the wrong date/misconception of date. Reasons given by the learned counsel for applicant/accused for remaining absence from trial are not satisfactory. Also the accused/applicant is declared proclaimed offender and it is for only in exceptional cases relief of grant of anticipatory bail can be extended which is not made out in the present case. "As such the present bail application is hereby dismissed.

6. Proper course for the accused-applicant is to appear before the learned Trial Court/Duty Magistrate as the case may be, and to move surrender and bail application and in case the same is moved before the learned trial Court within a period of 10 days from today, the same be disposed off in terms of the direction given by Hon'ble Punjab & Haryana High Court in case title '**Pawan Kumar Vs. State of Haryana** (CRM-M-39172-2021) which is in the nature of guiding factor while dealing with the surrender and bail application in case of absence of the accused from the trial.

7. With aforesaid observations, the present bail application is disposed of.

8. File be consigned to record room after due compliances.

Pronounced in open Court.

On 03.06.2024

Parminder Singh

Stenographer-III

(Raman Goklaney)

(UID No PB-0687)

Additional Sessions Judge,
Gurdaspur.

Raman Goklaney,

Additional Sessions Judge, Gurdaspur

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