

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M No. 2421 of 2018 (O&M)

Date of decision : 12.3.2018

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Sukhjinder Singh @ Sukha

.....Petitioner

vs.

State of Punjab

.....Respondents

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Arnav Sood, Advocate
for the petitioner.

Mr. Ramandeep Sandhu, Senior Deputy Advocate General,
Punjab.

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H. S. Madaan, J.

This petition for regular bail has been filed by petitioner Sukhjinder Singh @ Sukha an accused in FIR No. 16 dated 11.3.2011 for offences under Sections 323, 324, 325, 427, 148, 149 IPC and Sections 326 and 307 IPC added later on, registered at Police Station Dasuya, District Hoshiarpur.

Briefly stated facts of the case as per prosecution story are that the FIR in question was recorded on the basis of statement of complainant Angrej Singh s/o Ramji Dass, r/o Raghawal, Police Station Dasuya, District Hoshiarpur, aged about 27 years, in which he

stated that he had taken land on rent situated at village Tihara Passi Kandi road on rent, from Sohan Singh r/o Tihara for 20 years, where he had installed a saw mill; that on 23.2.2011, when complainant alongwith Ajay Kumar r/o Passi Kandi were present at his saw mill, then Khushmandeep Singh s/o Gurmail Singh r/o Passi Kandi, came there to pay money for logs; that at about 8 P.M., while the complainant was taking out his belongings from the room in the saw mill, whereas Ajay Kumar and Khushmandeep Singh were sitting outside in the tent, in the meanwhile, several persons armed with weapons of different types, which included the present petitioner came there and attacked the complainant causing him multiple injuries. The role attributed to the present petitioner Sukhjinder Singh @ Sukha is that he had given two dattar blows on right leg, feet and right knee of the complainant; that when Khushmandeep Singh tried to intervene, he was also given injuries; that on an alarm having been raised by the injured and Ajay Kumar, the assailants had ran away from the spot alongwith their respective weapons, though while doing so, they broke window of the Bolero car of the complainant and took away Rs.52,000/- and some documents belonging to him.

The applicant was arrested in this case but released on bail. Subsequently, he jumped the bail and was declared as a proclaimed offender on 1.9.2014. He had approached this Court for grant of pre-arrest bail, which was dismissed and he was directed to surrender in the trial Court and a direction was issued to the trial Court to dispose of the application for regular bail promptly. This order was passed on 17.11.2017 in CRM-M-43767-2017. The

petitioner is in custody since then.

Learned counsel for the petitioner has contended that the petitioner had gone abroad in search of better prospects in the life. No recovery is to be effected from him. Therefore, he be granted regular bail.

This request is being opposed by the learned State counsel, stating that the conduct of the petitioner dis-entitles him to grant of regular bail.

After hearing the rival contentions, I find that though the conduct of the petitioner in jumping bail during the trial is something which is improper, however, keeping in view the fact that he has surrendered in the court himself and is behind the bars for the last more than three months and the conclusion of the trial against him is likely to take considerable time, I am of the view that it is a fit case to grant the concession of regular bail to the petitioner, though subject to stringent terms and conditions, so that he may not abscond again.

Therefore, the present petition is accepted and the petitioner is ordered to be released on bail subject to his furnishing personal and surety bonds to the satisfaction of the trial Court which is two sound sureties, preferably two local persons having documentary proof of sufficient immovable properties within the local jurisdiction of such court, copies of title deeds of those properties be taken on record and then endorsement be made on the original title deeds that those persons had stood surety for the present petitioner . In addition to that a sum of Rs.50,000/- be deposited in the trial Court as security, which would stand forfeited to the State in

case the petitioner jumps the bail, otherwise on conclusion of the trial, it be released to the petitioner. Further more, he is to give an undertaking that he shall appear in the Court on each and every date of hearing; that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer; and that the petitioner shall not leave India without the prior permission of the Court and shall surrender his passport.

In case the petitioner violates any term and condition on which the bail has been granted to him, this order shall be liable to be withdrawn.

12.3.2018
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(H.S. Madaan)
Judge

Whether speaking / reasoned

Yes/ No

Whether reportable

Yes/ No