

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-12683-2020(O&M)

Date of decision:-3.6.2020

Laxman Kumar Pandit alias Machhar

...Petitioner

Versus

U.T. Chandigarh

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.Gursharan Singh, Advocate
for the petitioner.

Mr.Lalit Gupta, Addl.P.P., U.T., Chandigarh.

H.S. MADAAN, J.

Case taken up through video conferencing.

This petition for regular bail has been filed by petitioner Laxman Kumar Pandit alias Machhar – an accused in FIR No.296 dated 7.10.2017 for the offences under Sections 323, 354, 506, 379, 325, 397, 34 IPC and 8 of POCSO Act, registered at Police Station Industrial Area, Chandigarh.

Briefly stated, facts of the case as per prosecution version are that on 4.10.2017 at about 8:00 p.m. when daughter of the complainant (daughter name not being mentioned to conceal her identity and referred to as '*the victim*'), aged about 16 years was sitting outside their house, then

Rahul along with his friend Laxman Kumar Pandit alias Machhar (present petitioner) and another unidentified person came and started misbehaving with the victim; Rahul touched the vagina of the victim; Laxman Kumar Pandit alias Machhar incited Rahul to beat her; the third unidentified boy also beat up the victim; the complainant shouted and tried to save her daughter from the assailants; Rahul took stick from the unidentified boy and hit the complainant; the complainant had raised her right arm to save herself and the stick hit her there; the victim had become unconscious; all the assailants including the present petitioner started misbehaving with the complainant also and beat her up and they pulled the complainant by her arm and touched her breasts; during that scuffle *MANGAL SUTAR* of complainant fell from her neck so did her purse, which was hidden in her blouse; the purse contained cash amount of Rs.15,000/- and her *MANGAL SUTAR* was also valued Rs.15,000/-; Rahul took that purse and *MANGAL SUTAR* and all the three assailants ran away; that while fleeing Rahul threatened the complainant and kicked her twice in her stomach; Laxman Kumar Pandit alias Machhar, present petitioner and his accomplices threatened the complainant that if she reported the matter to the police, then they would see her; in the meanwhile, police vehicle came and took the complainant and her daughter the victim to hospital for treatment. After registration of the FIR, the matter was investigated.

In this case all the accused including the present petitioner were arrested and were granted bail. Subsequently, petitioner absented from the Court and was declared a proclaimed offender vide order dated 18.5.2019. He was arrested in this case on 2.12.2019 and sent to judicial

custody and he is behind bars since then. He had filed an application for regular bail, which was however dismissed by Additional Sessions Judge – cum- Judge, Special Court, Chandigarh vide order dated 5.2.2020, as such, the petitioner has approached this Court with the same request, which is being resisted by the State counsel.

I have heard learned counsel for the parties besides going through the record.

The allegations against the petitioner are very grave and serious and furthermore the conduct of the petitioner has been such, which clearly disentitles him to the relief of regular bail. Initially, during the trial, he had been granted bail but he absented from the Court proceedings and no justifiable reason for the same could be explained. He was declared a proclaimed offender vide order dated 18.5.2019. He was arrested on 2.12.2019. It is not his case that he himself had surrendered in the Court after being declared a proclaimed offender. Keeping in view his such conduct, he cannot be expected to appear in the Court regularly and rather there are every chances of his absconding again, in the process prolonging the trial, if granted concession of bail again. The trial against the petitioner is going on and it is expected that the same would be concluded shortly.

Therefore, finding no merit in the petition, the same stands dismissed.

3.6.2020
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No
Whether reportable : Yes/No