

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

CRM-M-17931-2020 (O&M)

Date of decision: 24.07.2020

Sukhwinder Singh

...Petitioner

Versus

UT Chandigarh

...Respondent

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

Present: Mr. SPS Chakkal, Advocate for the petitioner.

Mr. Ashu Mohan Punchhi, Addl. PP for UT Chandigarh.

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**H.S. MADAAN, J. (Oral)**

Case taken up through video conferencing.

This petition for regular bail has been filed by petitioner Sukhwinder Singh, aged about 39 years, an accused in FIR No.79 dated 15.04.2005, for offences under Sections 380, 457 and 411 IPC, registered with Police Station Sector-26, Chandigarh.

Briefly stated facts of the case as per prosecution story are that complainant Sudesh Kumar son of Sham Lal, resident of Bapu Dham Colony, Sector 26, Chandigarh had submitted a written complaint to SHO, Police Post, Bapu Dham Colony, Sector 26, Chandigarh, in which he stated that on 10.04.2005, he along with his family members had gone to meet his brother residing at Mandi (HP). They had locked their house; when they returned, they saw that lock of the house was broken; when he went inside, he observed that lock of his almirah was also broken and

Rs.9800/- in cash, a pair of gold bangles weighing around 04 tolas, a gold necklace weighing around 04 tolas, a gold ring weighing around 06 gms, a gold mangalsutra weighing around 06 gms, three pairs of silver anklets, three gent hand watches were missing. In the said complaint, the complainant expressed a suspicion that the theft had been committed by son of Labh Singh (present petitioner) along with his accomplice residing in his locality. On the basis of such written complaint, formal FIR was registered. The matter was investigated. Petitioner/accused along his co-accused Rakesh were arrested in this case on 22.04.2005. On completion of investigation and other formalities, the challan against the accused was prepared and filed in the Court of Magistrate at Chandigarh.

The petitioner/accused had been granted regular bail in the case, however, pending trial, he absented from the Court without intimation with the result, his personal bonds and surety bonds were cancelled and forfeited to the State and he was ordered to be summoned through non-bailable warrants of arrest. Since, he could not be arrested despite issuance of such arrest warrants and publication of proclamation under Section 82 Cr.P.C., therefore, he was declared a proclaimed offender, vide order dated 28.07.2009. He surrendered in the Court on 26.02.2020 i.e. after a period of more than 10 years. He had moved a petition for grant of regular bail before Court of Sessions at Chandigarh, however, his said petition was dismissed by Addl. Sessions Judge, Chandigarh, vide order dated 05.05.2020. As such, he has approached this Court, craving for similar relief, which request is being opposed by learned Addl. PP for UT Chandigarh.

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

The petition for bail is doomed for failure for various reasons; firstly, the accused comes out to be a habitual criminal inasmuch as in para No.6 of the petition itself, he has given the list of cases in which he is involved, the details thereof are as under:-

1. FIR No.139 U/s 379, 356 IPC.
2. FIR No.96 U/s 23 of Arms Act.
3. FIR No.336 of 2012 U/s 379, 356 and 411 IPC.
4. FIR No.124 U/s 363, 379 and 411 IPC.
5. FIR No.185 of 2012 U/s 379, 411 IPC.
6. FIR No.330 of 2012 U/s 309 IPC.
7. FIR No.211 of 2012 U/s 380 and 411 IPC.
8. FIR No.256 of 2011 U/s 323, 427, 452, 506 and 34 IPC.
9. FIR No.62 U/s 324 and 506 IPC, in which he is on bail.
10. FIR No.190 U/s 382, 411 and 34 IPC.
11. FIR No.167 U/s 324, 394, 427 and 506 IPC.
12. FIR No.3 U/s 380, 457, 411 IPC.
13. FIR No.451 U/s 380, 457, 411 IPC.
14. FIR No.133 of 2008 U/s 324 and 506 IPC, in which he was convicted and in FIR No.323 of 2012 U/s 323, 307, 506, 419 and 452, he was acquitted.

Thus, it comes out that he is a habitual and hardened criminal who does not deserve concession of bail; secondly, his conduct of jumping bail during the trial and then remaining on run for almost 10/11 years, he having been declared a proclaimed offender goes to show that he cannot be trusted to appear in the Court regularly, if granted the concession of bail again. He has successfully delayed the trial of the case for about 11 years and he may try to stretch the proceedings further with the aim that by that time, some of the prosecution witnesses may leave this mortal world, some are unable to appear in the Court on account of

old age and sickness and some loose interest in the proceedings due to passage of considerable time. There is apprehension of his trying to influence the prosecution witnesses also. The petitioner having misused the concession of bail granted to him earlier is certainly not entitled to be released on regular bail in this case. There is every possibility of his taking to path of crime again, resulting in increased crime graph in the area, if granted the concession of bail. The petition being without merit stands dismissed.

24.07.2020

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**(H.S. MADAAN)**  
**JUDGE**

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|-----------------------------|-----|----|
| Whether speaking/reasoned : | Yes | No |
| Whether Reportable :        | Yes | No |