

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

CRM-M-22024-2020

Date of decision:-10.8.2020

Sukhwant Singh @ Sukha @ Mast

...Petitioner

Versus

State of Punjab

...Respondent

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

Present: Mr.Akshay Bansal, Advocate
for the petitioner.

Mr.J.S. Ghuman, DAG, Punjab.

H.S. MADAAN, J.

Case taken up through video conferencing.

This third petition for regular bail has been filed by Sukhwant Singh @ Sukha @ Mast – an accused in FIR No.113 dated 3.10.2015 for the offence under Sections 379-B/341/323/506/148/149 IPC and 25 & 27 of Arms Act, 1959, registered at Police Station Lohian, District Jalandhar.

Briefly stated, facts of the case as per the prosecution story are that criminal machinery in this case was set into motion by complainant Amandeep Singh son of Lehmbur Singh, resident of Guru Nanak Colony, Lohian Khas, aged about 23 years, who in his statement made to the police stated that on 16.9.2015, he along with his cousin

brothers Pardeep Kumar, Sandeep Kumar and one Raj Kumar were having a walk after taking meals and while they were near T-point, 7-8 youngsters riding on three motorcycles came from Tashpur Turn and intercepted them; the riders got down from their motorcycles; they were armed with iron rods and other lethal weapons; all of them assaulted the complainant and his friends accompanying him; a clean shaven youngster brought out pistol from his pocket pointed it at the complainant and asked him to hand over whatever he had; another clean shaven youngster took out purse from pyjama of the complainant; there were currency notes worth Rs.3,250/- therein. The complainant and his friends raised alarm, which attracted several persons of locality and on seeing them those assailants ran away on their motorcycles giving threats. The complainant stated in his statement that those youngsters were earlier found roaming about in the town. The complainant came to know their names as Sodhi son of Preetu, resident of village Gidderpindi, Sukha @ Mast (present petitioner) son of Gurmej Singh, resident of village Gidderpindi, Gopi son of Bahadur, resident of village Kang Kalan, Sunny son of Roor Chand, resident of Ward No.5, Lohian, Rajvir @ Raja, resident of village Raiwal, Bhilo, resident of village Kang Khurd and two unknown youngsters. Those persons were involved in several criminal cases and had remained behind bars but were released on bail. After registration of formal FIR, the matter was investigated. Petitioner Sukhwant Singh @ Sukha @ Mast was arrested in this case and released on bail. He absented from the Court proceedings on 1.9.2017, resultantly his bail bonds and surety bonds were cancelled and forfeited to the State and he was ordered to be summoned

through non-bailable warrants of arrest for 16.9.2017. He was arrested in this case. The petitioner had moved an application for regular bail, which was however dismissed by Additional Sessions Judge, Jalandhar. The petitioner had approached this Court earlier by way of filing CRM-M-916-2019, which was disposed of with the following observations:

“When the Bench was not agreeing to the submissions made by learned counsel for the petitioner, he prays for withdrawal of instant petition.

Dismissed as withdrawn.”

Thereafter, the petitioner had filed another petition before this Court bearing CRM-M-49589-2019, which was disposed of relegating the petitioner to the remedy of approaching the Court of Sessions at Jalandhar, at the first instance.

The petitioner did approach the Court of Sessions at Jalandhar. His such petition was dismissed vide order dated 17.5.2020. For the said reason, he has again knocked at the door of this Court, craving for grant of regular bail, which request is being resisted by the State counsel.

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

The petitioner after being released on bail had absented from the proceedings in the trial Court without any justifiable reason, resultantly his bail bonds and surety bound were cancelled and he was ordered to be summoned through non-bailable warrants of arrest. He was ultimately arrested on 23.5.2018. Though it has been contended by

learned counsel for the petitioner that non-appearance of the petitioner in the trial Court was not intentional or wilful but for the reason that his counsel had told him that he had been acquitted from the case and there was no necessity for him to appear in the Court again. But I find this explanation to be least convincing. No counsel would make such type of misrepresentation to his client without any rhyme or reason. If, in fact, the counsel had done so, the petitioner/accused in normal course would have complained against him to Local Bar Association or State Bar Council for the alleged misconduct, but there is nothing on the record to show that such representation has been made by the petitioner. The petitioner has certainly misused the concession of bail, in the process prolonging the trial. With that type of allegations against the petitioner that he was involved in the incident of snatching and robbery and his conduct of absenting from the Court without any justifiable reason, he cannot be expected to appear in the Court regularly, if granted bail again. Rather there is every apprehension of his absconding and trying to tamper with the prosecution evidence even, if ordered to be released on bail.

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

10.8.2020
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No