

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

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CRM-M-34697-2020
Date of Decision: 01.12.2020

Sukhdev Singh @ Sukha

... Petitioner

Versus

State of Haryana

... Respondent

CORAM : HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Sanjiv Kumar Aggarwal, Advocate
for the petitioner.

Ms. Geeta Sharma, DAG, Haryana
for the respondent-State.

ARUN KUMAR TYAGI, J.(Oral)

(The case has been taken up for hearing through video conferencing.)

The petitioner has filed the present (first) petition under Section 439 of the Code of Criminal Procedure, 1973 (for short, “the Cr.P.C.”) for grant of regular bail in case FIR No. 33 dated 26.01.1999 registered under Sections 379 and 411 of the Indian Penal Code at Police Station City Thanesar, District Kurukshetra to which Sections 420, 467, 468 and 471 of the IPC were added later on.

The above-said FIR was registered on written information sent by SI Amir Singh that on 26.01.1999 when he along with other police officials was patrolling he received secret information that Surjit Singh @ Satnam Singh and Jaranil Singh @ Billa were standing near Janta School along with stolen truck and if raid was conducted they could be apprehended. Raid was accordingly conducted by him along with

other police officials and the above-said persons were apprehended with stolen truck kept by them with changed number plate. During investigation the above-said persons alleged that Sukhdev Singh @ Sukha (the petitioner) had forged the number plate and the relevant papers. On completion of investigation challan was filed against the above-said persons and the petitioner. During trial the petitioner, who had been released on bail, absented and was declared proclaimed offender vide order dated 20.11.2006. Accused Surjit Singh @ Satnam Singh @ Sopu and Jaranil Singh @ Billa were acquitted by Judicial Magistrate Ist Class, Kurukshetra vide judgment dated 22.11.2007.

Pursuant to supply of advance copy, learned State counsel has appeared and opposed the petition. However, no reply has been filed by the respondent-State.

I have heard learned counsel for the petitioner and learned State counsel and gone through the relevant record.

Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. The petitioner was not named in the FIR and was not arrested on the spot and no recovery was made from him. The petitioner was implicated on the basis of disclosure statement of co-accused Surjit Singh @ Satnam Singh. The petitioner was granted bail but on absence was declared proclaimed offender vide order dated 20.11.2006. The petitioner was arrested on 19.02.2020 and is in custody since then. The petitioner is involved in 12 other cases but in 9 cases he has been granted bail and two cases were disposed of. Co-accused Surjit Singh @ Satnam Singh and Jaranil Singh @ Billa have already been acquitted. The trial is likely to take long time

due to restrictions imposed to prevent spread of Covid-19. No useful purpose will be served by further detention of the petitioner in custody during trial. Therefore, the petitioner may be granted regular bail.

On the other hand, learned State counsel has argued that the petitioner misused the concession of regular bail. The petitioner is involved in 12 other cases. The petitioner is likely to abscond if granted bail. Therefore, the petitioner does not deserve grant of bail and the petition may be dismissed.

In the present case, the petitioner was implicated in the case on the basis of alleged disclosure statements of his co-accused Surjit Singh @ Satnam Singh and Jaranil Singh @ Billa who have been acquitted by Judicial Magistrate Ist Class, Kurukshetra. Keeping in view the facts and circumstances of the present case and the fact that the trial is likely to take long time due to restrictions imposed to prevent the spread of Covid-19 but without commenting on the merits of the case, I am of the considered view that the petitioner deserves grant of regular bail.

Accordingly, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of personal and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/ Duty Magistrate concerned.

01.12.2020

Vishal

(ARUN KUMAR TYAGI)
JUDGE

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No