

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

Sr. No.202

**CRM-M-1492-2021
Date of Decision: 19.01.2021**

SUKHDEV SINGH @ SUKHA

...Petitioner

VERSUS

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

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

ARCHANA PURI, J.

The matter has been taken up through video conferencing in the light of COVID-19 pandemic.

This is second petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.119 dated 27.06.2004 under Sections 457, 380 Indian Penal Code, registered at Police Station Kurukshetra University, Kurukshetra.

Notice of motion.

Ms. Harpreet Kaur, Assistant Advocate General, Haryana, accepts notice on behalf of the respondent-State.

Custody certificate of the petitioner has been sent through e-mail, hard copy whereof is brought on record.

As per the version of the prosecution, on 27.06.2004, complainant-Ved Prakash had apprised the police about himself to be running shop in the name and style of 'Om Sai Fertilizer' of pesticides. On

26.06.2004, in the evening, he had closed his shop and on the next morning he was apprised by his neighbour about breaking of the shutter of his, shop. When he reached the shop, he found 77 bags of fertilizer/khad missing from his shop and thereupon, the present case was registered.

Now, it is submitted by learned counsel for the petitioner that the petitioner has been nominated, as accused only on the basis of disclosure statement made by the fellow accused, namely, Harvinder Singh, and only 10 bags of khad had been recovered from him. Also, it is submitted that the fellow accused have already been convicted and sentenced, on the basis of the confession, so made by them. However, the present petitioner remained away from the Court proceedings, as he had gone abroad for the purpose of his work. He was declared proclaimed offender vide order dated 04.08.2010 instead of being declared proclaimed person. Now, the petitioner is in custody since 19.02.2020. As such, a prayer has been made for grant of regular bail.

However, the submission so made by learned counsel for the petitioner is resisted by learned State Counsel, as she submits that the petitioner is habitual offender and he remained away from the Court proceedings for a period of more than 15 years and chances of his abscondance cannot be ruled out, even if bail is granted in the present case. Also, it is submitted that there are number of other cases registered against the petitioner.

May that be so. It is pertinent to mention that the conduct of the petitioner has to be taken into consideration while granting bail. During the pendency of the trial, he had remained away from the Court proceedings for

a sufficiently long time i.e. more than 15 years. Even thereafter, he was arrested in the present case, only in pursuance of the production warrant issued against him, as he was in custody in other case bearing FIR No.33 of 1999 under Sections 379, 411, 467, 471 of Indian Penal Code, registered at Police Station City Thanesar. He is stated to be involved in 10 other cases of the similar nature, the detail whereof has been given in paragraph No.4 of the order passed by the learned trial Court, as well as in the custody certificate, which has been filed today.

Considering the same, chances of abscondance of the petitioner, as such, cannot be ruled out. Precisely, on this account, no case is made out for grant of regular bail to the petitioner. Consequently, the present petition is hereby dismissed.

(ARCHANA PURI)
JUDGE

19.01.2021
himanshu

Whether speaking/reasoned	Yes
Whether reportable	No