

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

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**CRM-M-28451 of 2021
Date of Decision:12.10.2021**

Sukhdev Singh

..... Petitioner

Versus

State of U.T. Chandigarh

..... Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Rupinder Singh Rana, Advocate,
for the petitioner.

Mr. A. M. Punchhi, Public Prosecutor, U.T. Chandigarh

AMOL RATTAN SINGH, J. (ORAL)

Case heard via video conferencing.

Vide this petition, the petitioner seeks the concession of 'regular bail' under the provisions of Section 439 of the Cr.P.C., upon FIR no.357, dated 10.08.2011, having been registered at Police Station Sector 34, Chandigarh, alleging therein the commission of offences punishable under Sections 411, 467, 468, 471, 472, 473, 420 and 120-B of the IPC.

Pursuant to the order dated 27.07.2021, an affidavit of the ASP, South Division, Chandigarh, has been filed on behalf of the U.T. Chandigarh, dated

26.08.2021, which is ordered to be taken on record.

As per the said affidavit, the petitioner having been admitted to bail on 22.12.2011 by the trial court itself, he did not appear before that court to face trial and therefore vide an order passed on April 30, 2016, his bail and surety bonds were ordered to be cancelled and forfeited to the State, with a proclamation also issued (in terms of Sections 82/83 of the Cr.P.C.) and finally he was declared to be a proclaimed person by the learned JMIC, Chandigarh, on 03.09.2016.

Eventually thereafter, he was arrested on 21.09.2021 and he is in custody since then, with one of his co-accused, i.e. Gurvinder Singh, having been acquitted by the trial court.

It is next stated that there are four other criminal cases registered against him, 2 in Chandigarh, 1 in Kharar (Punjab) and 1 in Delhi.

Though of course it is stated by the ASP that the co-accused of the petitioner, i.e. Gurvinder Singh has been acquitted by the trial court and that judgment has also been annexed as Annexure P-1 with the petition itself, the trial court has stated in that judgment that the accused were in police custody in some other case and during investigation they had suffered disclosure statements and on the basis of those disclosure statements, the recovery of the stolen vehicle and other articles pertaining to it was made but with the disclosure statements not having been signed by independent witness and with the complainant also having testified that the recovery was not made in his presence, with him having identified the stolen vehicle to be his, in the police station.

Even if that is so, the petitioner having absconded for a period of 5

years, I would see no reason to entertain this petition, which is consequently dismissed, with however no comment made on the merits of the case, which would be considered by the trial court as per the evidence led before it.

October 12, 2021
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No