

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

CRM-M-41974 -2020 (O&M)

Date of decision: 09.11.2021

Sukhwant Singh @ Sukha @ Mast

...Petitioner

Versus

State of Punjab

...Respondent

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

Present: Mr. Kiran Kumar, Advocate for the petitioner.

Ms. Anju Sharma Kaushik, DAG, Punjab.

H.S. MADAAN, J. (Oral)

Case taken up through video conferencing.

This fifth petition for regular bail has been filed by petitioner Sukhwant Singh @ Sukha @ Mast, an accused in FIR No.113 dated 03.10.2015, under Sections 379-B, 341, 323, 506, 148, 149 IPC and Sections 25/27 of Arms Act, registered with Police Station Lohian, District Jalandhar, the earlier petitions filed by him having been dismissed by this Court.

Briefly stated facts of the case as can be gathered from perusal of the record are that on 16.09.2015, complainant Amandeep Singh son of Lehmbur Singh, R/o Guru Nanak Colony, District Jalandhar along with his cousin brothers Pardeep Kumar, Sandeep Kumar and Raj Kumar, residents of that very area were standing near T-point of the market, talking with each other, then 7-8 youngsters riding on three

motorcycles came from Tashpur turn and stopped near them; they were armed with iron rods and other weapons; they started giving punch blows to the complainant and other persons standing near him. One of such persons namely Sunny brought out pistol from his pocket and pointed it towards the complainant; then one of the accomplice snatched purse from trouser of the complainant, which was having sum of Rs.3250/-; thereafter all the criminals left the spot on their motorcycles; the complainant had informed the police by making a statement in which he named Sodhi son of Preetu, Sukha @ Mast-present petitioner, Gopi son of Bahadur, resident of Village Kang Kalan, Sunny son of Roor Chand, Rajvir @ Raja son of Jagga, Bhilo, resident of Village Kang Khurd besides two unknown youngsters; formal FIR was registered; during the course of investigation, the petitioner was arrested in this case on 01.11.2015 and a datar was recovered from his possession on 03.11.2015, whereas one 315 bore country made pistol along with one round were recovered from co-accused of the petitioner namely Sharaj Singh @ Jagaa @ Rajvir Raja; the petitioner was granted regular bail by Addl. Sessions Judge, Jalandhar vide order dated 04.02.2016; thereafter, during the course of trial, he jumped bail on 01.09.2017 and was declared a proclaimed offender, vide order dated 25.01.2018; subsequently, he was arrested in this case on 23.05.2018; the challan has since been filed in the Court and the trial is going on.

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

Though a petition for regular bail filed by petitioner was dismissed by this Court, vide detailed order dated 10.08.2020 but till now the trial has not been completed. As per custody certificate available on the record, the petitioner is shown to have undergone custody of more than 03 years and 08 months. As per copies of interim orders placed on record by learned counsel for the petitioner, 03 of the PWs namely Sandeep Kumar, Pardeep Kumar and Mandeep Kumar are statedly residing abroad; procuring their presence and getting their statements recorded may require considerable time. As stated by learned counsel for the petitioner with regard to other cases registered against the petitioner, he has been acquitted in one case, vide judgment 19.09.2016 (Annexure P-4), while having been granted concession of bail in other 02 cases. The petitioner cannot be kept behind bars endlessly. Therefore, I find that he should be granted benefit of regular bail. As such, the petition is accepted. The petitioner is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of trial Court/CJM/Duty Magistrate, Jalandhar, subject to the following conditions:-

- (i) he shall appear in the Court on each and every date of hearing;
- (ii) he shall not give any threat or intimidation to the prosecution witnesses;
- (iii) he shall not indulge in any criminal activity;
- (iv) he shall not leave India without prior permission of the Court and shall surrender his passport, if he has got one, otherwise to furnish affidavit in that regard;
- (v) he shall got his presence marked in the local police station on every Saturday of the week between 11.00 A.M. to 2.00 P.M. so that an eye can be kept on his movements and he is deterred from indulging in any criminal activity.

Since the petitioner had jumped bail earlier and was declared a proclaimed offender, to ensure that he appears in the trial Court regularly, the Magistrate accepting the bonds is to ensure that the surety furnished by the petitioner is local one, having documentary proof of the sufficient immovable property of the value more than the surety amount within jurisdiction of the said Court. An endorsement be made on the title deed of the property that the said person stood as a surety for the petitioner. A copy of that document be retained on the record of the Court. Photographs of the surety, accused and attesting witnesses be also obtained and placed on record.

In case the petitioner violates any term and condition on which the bail has been granted to him, the prosecution would be entitled to apply for cancellation of bail.

09.11.2021
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(H.S. MADAAN)
JUDGE

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