

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-25699-2021 (O&M)

Date of Decision:- 23.3.2022

Sukhchain Singh

.... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. G.S.Dhillon, Advocate, for the petitioner.

Mr. Anmol S. Sandhu, AAG, Punjab.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.23, dated 20.2.2016, Police Station Sadar Ludhiana, District Ludhiana, under Sections 302, 307, 120-B, 148, 149, 201 IPC and Sections 25, 54, 59 of the Indian Arms Act, 1959.
2. The allegations, in nutshell, as per the FIR are broadly to the effect that Devinder Singh @ Shooter and Avtar Singh @ Tari accompanied by 5/6 other persons had fired at Rajwinder Singh and Boota Singh, as a result of which Rajwinder Singh lost his life.

3. Learned counsel for the petitioner has submitted that he is nowhere named in the FIR and came to be nominated as an accused after about 2 ½ months on the basis of a supplementary statement made by the complainant to the effect that the petitioner had conducted *recce* of the place of occurrence so as to facilitate the commission of crime. Learned counsel has further submitted that although he had been granted bail initially, but subsequently on account of his absence due to unavoidable reasons, he had absented and was ultimately declared a 'Proclaimed Offender' on 2.7.2019. It has further been submitted that subsequently he surrendered before the trial Court on 3.12.2020 and has been behind bars from the said date. Learned counsel has additionally submitted that since four of the co-accused who had faced trial have already been acquitted vide judgment dated 11.1.2022 passed by the Court of learned Additional Sessions Judge, Ludhiana, the petitioner is also likely to be acquitted since his case is also based on the same facts and circumstances.
4. Opposing the petition, learned State counsel has submitted that since the petitioner had earlier misused the concession of bail, there is every likelihood that he would again flee from justice and that in these circumstances, he does not deserve the concession of bail. Learned State counsel has produced the custody certificate, as per which the petitioner before he absconded had remained behind bars for a period of 2 years 7 months and 5 days and had remained in custody for another period of 1 year 3 months and 19 days after he surrendered. It is not disputed that four of the co-accused have been

acquitted, as would be evident from judgment dated 11.1.2022 (Annexure P-2). It has also been informed that the petitioner is involved in one more case.

5. I have considered rival submissions addressed before this Court.
6. Without commenting anything as regards the merits of the case, but while noticing that the petitioner has been behind bars for a substantial period of 3 years 10 months and 24 days including a period of 1 year 3 months and 19 days after his surrender, which would serve sufficient deterrent to the petitioner to be more careful in future, and while also noticing that four of the co-accused have since been acquitted, the petition merits acceptance. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

23.3.2022

Mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No