

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

CRM-M-26056-2022

Date of Decision: 05.07.2022

Sukhpal Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Gursimran Singh Bhatia, Advocate,
for the petitioner.

Mr. Harbir Sandhu, AAG, Punjab.

HARNARESH SINGH GILL, J.(Oral)

Through this second petition, the petitioner seeks regular bail in case bearing FIR No.246 dated 16.10.2017, registered at Police Station Chheharta, District Police Commissionerate Amritsar, under Sections 420, 467, 468 and 471 IPC and Section 13 of the Prevention of Human Smuggling Act, 2012.

Learned counsel for the petitioner contends that the petitioner has falsely been implicated in the present case, and that at one time prior to the lodging of FIR, a compromise was effected between the complainant and the petitioner, but before the compromise could be executed, the complainant alongwith other persons had entered in the office of the petitioner and taken away his furniture and other articles, including cheque books.

Learned counsel further contends that the first petition filed by the petitioner, seeking regular bail, was dismissed way back on 28.08.2020; that the petitioner has been in custody since 31.01.2020; that all the offences are triable by the Judicial Magistrate Ist Class, and that

charges were framed on 30.03.2022, but till date, no prosecution witness has been examined and in such circumstances, trial is unlikely to conclude any time soon. Moreover, there is no other case registered or pending against the petitioner.

On the other hand, learned State counsel, while opposing the grant of bail to the petitioner, submits that the petitioner had cheated as many as 15 persons, including the complainant, to the tune of Rs.16,50,000/- on the pretext of sending them abroad. It is further submitted that the petitioner had fled to Australia and was ultimately declared a proclaimed offender on 29.08.2019.

I have heard the learned counsel for the parties.

There are serious allegations against the petitioner that he had cheated the complainant and others to the tune of Rs.16,50,000/- on the pretext of sending them abroad.

This is the second petition for the grant of regular bail to the petitioner, the first one having been dismissed on merit on 28.08.2020.

It is not denied for a moment that the period of custody is a relevant factor, but simultaneously the totality of the circumstances are also to be weighed. It has gone un rebutted that the petitioner had absconded and evaded the process of law and, accordingly, was declared proclaimed offender on 29.08.2019 and could only be arrested on 31.01.2020. The conduct of the petitioner is not above board, would be discernible from the proceedings leading to the passing of the order dated 29.08.2019, declaring him a proclaimed offender.

Keeping in view the conduct of the petitioner, the period of custody of about 02 years and 05 months, in my considered opinion,

melts into insignificance.

In view of the above, I do not find any merit in the present petition.

Dismissed.

05.07.2022

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Note: Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No