

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-57009-2024
Reserved on: 06.02.2025
Pronounced on: 14.02.2025

Sukhwant Singh @ Sukha ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Rishu Mahajan, Advocate
for the petitioner.

Mr. Akshay Kumar, A.A.G., Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
113	03.10.2015	Lohian, Jalandhar	148, 379-B, 323, 341, 506, 149, 186 IPC and 25 of Arms Act

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.

2. Per paragraph 10 of the bail petition, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Dated	Offenses	Police Station
1.	104	02.04.2018	336, 144, 147, 148, 149 IPC and 25/54/59 of Arms Act	Sultanpur Lodhi
2.	71	19.07.2009	307, 323, 326, 324, 148, 149 IPC	Lohian, Jalandhar

3. The facts and allegations are being taken from translated version of FIR, which reads as follows:

“Statement of Amandeep Singh son of Lehmbur Singh, caste Ghumiar, resident of Guru Nanak Colony, Lohian Khas, aged about 23 years, Mobile No. 99159 xxxxx. Stated that I am residing at above noted address and is undergoing English Speaking Course. On 16.9.2015, when I alongwith my cousin brother Pardeep Kumar, Sandeep Kumar sons of Darshan Singh and Raj Kumar son of Balbir Singh, residents of Guru Nanak Colony, Lohian, had come towards market after having meals and were gossip near T-Point, when 7-8 youngsters, riding on 3 motorcycles, came from Tashpur Turn, stopped near us and alighted from their motorcycles. They were armed with iron rods and other lethal

weapons. They started giving us fist blows. A clean-shaven youngster brought out pistol from his pocket and pointed out at me by saying that you may brought out whatever you have. One of clean-shaven youngster from them brought out purse from my pyjama in forcible manner, which was carrying a sum of about Rs.3250/-. The assailant started threatening us, on which, we raised shouts. On this, a number of inhabitants of locality gathered at the spot. On seeing people gathering at the spot, the said youngsters fled away towards Village Gidderpindi on their motorcycles while giving threats. Earlier also, the said unknown youngsters are found roaming in town, hence we kept on searching for them. Now, I have come to know that the said persons, who committed robbery from me are namely Sodhi son of Preetu, caste Balmik, resident of village Gidderpindi, Sukha @ Mast son of Gurmej Singh, resident of village Gidderpindi, Gopi son of Bahadur, caste Balmik, resident of Village Kang Kalan, Sunny son of Roor Chand, caste Balmik, resident of Ward No.5, Lohian, who was carrying pistol, Rajvir @ Raja son of Jagga, resident of Village Raiwal, Police Station Makhu, Bhilo, resident of village Kang Khurd and two unknown youngsters. Earlier, the said persons remained confined in Jail in cases with the charges of robbery & motive of murder and are released on bail. I can identify that said unknown persons, who committed mand-handling with us, if appeared before me. Hence due legal action may be taken against said accused. Today I alongwith my cousin brother (taya's son) Raj Kumar was going to Police Station for reporting the matter, when you are met. Due legal action may be taken. Statement got recorded, heard, it is correct. Sd/- in Punjabi Amandeep Singh.”

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and his family.

5. The State's counsel opposes bail.

REASONING:

6. The petitioner was earlier on bail; however, he failed to appear, which led to the cancellation of the bail and he was declared proclaimed offender on 25.01.2018. Thereafter, petitioner was re-arrested on 23.05.2018 and granted regular bail by this Court vide order dated 09.11.2021. Petitioner was appearing regularly and due to his failure to appear, again declared proclaimed offender on 19.04.2024 and re-arrested on 25.04.2024 and since then he is in custody.

7. As petitioner was earlier granted bail, and as such, this court is inclined to grant bail subject to some conditions.

8. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability for further pre-trial incarceration at this stage.

9. Without commenting on the case's merits, in the facts and circumstances peculiar

to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

CONDITIONS:

10. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

11. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

12. This order is subject to the petitioner's complying with the following terms.

13. The petitioner shall attend the Trial on every date and shall not seek single adjournment without cogent reason.

14. The concerned trial court is authorized to delete, modify, or relax any of the above conditions and shall be competent to do so in accordance with the law.

15. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

16. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

17. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

14.02.2025

Jyoti Sharma

Whether speaking/reasoned: Yes

Whether reportable: No.