

CRM-M-23409-2020

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-23409-2020

Date of decision: 05.12.2022

Rajinder Kumar

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Tarun Sharma, Advocate,
for the petitioner.

Mr. Gurlal Singh Dhillon, AAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioner seeks regular bail in case FIR No.03 dated 18.05.2020, registered at Police Station SSOC, Fazilka, District Intelligence Wing (CID), Fazilka, under Sections 399 and 402 IPC, Section 27 NDPS Act, 1985 and Section 25 of the Arms Act, 1959.

Learned counsel for the petitioner submits that though the petitioner was named in the FIR, yet no specific act has been attributed to him; that Section 27 NDPS Act has been deleted in the present case, vide GD No.13 dated 17.07.2020; that recovery has already been effected from the petitioner, and that the petitioner has never misused the concession of interim bail granted to him vide order dated 14.10.2020 passed by a Coordinate Bench. So far as another case i.e. FIR No.100 dated 11.05.2020, Police Station Bhikhiwind, registered against the petitioner, is concerned, he has been released on bail therein.

Learned State counsel, while opposing the grant of bail to the

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petitioner, submits that the petitioner had actively participated in the crime; that recovery of a pistol, two live cartridges and one motor-cycle had been effected from the petitioner. Learned State counsel further submits that challan has been presented, but charges are yet to be framed.

I have heard the learned counsel for the parties.

As per the case of the prosecution, the petitioner alongwith other co-accused was in the process of committing dacoity.

Vide order dated 14.10.2020 passed by the Coordinate Bench, the petitioner had been released on interim bail. However, he has not misused the aforesaid concession. Challan has been presented, but charges are yet to be framed. The petitioner has been released on bail in another case registered against him. Therefore, no useful purpose would be served by sending the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the order dated 14.10.2020, granting interim bail to the petitioner, is made absolute, subject to him furnishing fresh bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate.

05.12.2022

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No