

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

**CRM-M No. 29558 of 2019
Date of Decision: 19.07.2022**

Harsh Gill alias Chabi

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Sumit Kalyan, Advocate for
Mr. Gursimran Singh Madaan, Advocate,
for the petitioner.

Mrs. Anju Sharma Kaushik, Deputy Advocate General, Punjab

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 439 Cr.P.C. for grant of bail pending trial to the petitioner in FIR No. 100, dated 09.11.2017, under Section 379-B of the Indian Penal Code, 1860, registered at Police Station Division No. 1, Pathankot.

The above mentioned FIR was registered on the statement of one Yogesh Kumar to the effect that he alongwith his mother Usha Rani were going to bring labourer to Vishnu Nagar, Lamini for getting their house work completed. When they were coming back, his mother reached just before the Mata Renuka Mandir (Renuka), at about 12 p.m., he saw that two young persons went away by pulling / taking gold earring piece from her right ear. The information in this regard was sent to the police station.

This Court, on 19.07.2019, while granting interim bail to

the petitioner, passed the following order:-

“ Custody certificate dated 19.07.2019 filed by learned State counsel, today in Court, is taken on record.

It transpires that consistently many FIRs under Indian Penal Code, 1860 have been registered against the petitioner within the jurisdiction of District Panthankot and even in the present case, the complainant has not identified him.

Adjourned to 08.08.2019 for further consideration.

*In the meanwhile, petitioner is directed to be released on interim bail, **till the next date of hearing**, on his furnishing adequate bail and surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned. ”*

Learned counsel, on instructions from petitioner, submits that he is regularly appearing before learned trial Court. Also contended that there is no apprehension or allegation of tampering with the evidence, in case, petitioner is granted bail.

The above factual position is duly acknowledged by learned State Counsel on instructions from the concerned police official.

In view of the above, this Court is of the opinion that sending the petitioner in custody at this stage would not serve any purpose.

Consequently, the present petition is **allowed** and interim bail granted vide order dated 19.07.2019, is made absolute. Petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

Petitioner shall fully co-operate with the learned trial Court without seeking any unnecessary adjournments.

The above observations may not be construed as an expression of opinion on the merits of the case.

It is clarified that in case there is any misuse of concession of bail on the part of the petitioner, State of Punjab would be at liberty to move an appropriate application for recalling of this order.

July 19, 2022

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**(MAHABIR SINGH SINDHU)
JUDGE**

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>