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

**CRM-M-31576-2020 (O&M)
Date of decision : 09.08.2022**

Manjit Singh @ Baba

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Manoj Kumar, Advocate for the petitioner(s).

Mr. Avinit Awasthi, AAG, Punjab.

MAHABIR SINGH SINDHU, J.

Third petition has been filed under Section 439 Cr.P.C. for grant of bail pending trial to the petitioner in FIR No.73 dated 26.06.2018, under Sections 307, 324 & 34 of the Indian Penal Code, 1860, registered at Police Station Lambran, District Jalandhar (Rural).

In this case, prosecution was launched on the statement of one Sukhdev Singh alleging therein that on 25.06.2018 at about 10.00 p.m., while he was attending Mela at Athola Peeranwali, petitioner came and asked the complainant to accompany him on the pretext of having some discussion. Petitioner was taken towards Athola Telephone Exchange, where Raman & Dinda were already present. Petitioner raised *lalkara*, whereupon, Raman and Dinda caught hold of him from arms, whereas, petitioner inflicted three injuries with a *Chhura* on his chest and thighs. Petitioner fell down while raising cries

of “*maar ditta, maar ditta*”. After inflicting injuries, all the accused fled away from the spot.

This Court, on 10.11.2020, while granting interim bail to the petitioner, passed the following order:-

“This Court, on 13.10.2020, passed the following order:-

“It transpires that on 13.02.2019 PW1- Complainant while recording examination-in-chief, specifically deposed regarding the complicity of the petitioner, but on 26.02.2020, during his cross-examination has taken a u-turn.

Faced with the situation, learned State counsel seeks time to have instructions in the matter.

On his request, adjourned to 10.11.2020.”

Today, learned State Counsel, on instructions from ASI Niranjana Singh, has apprised the Court that initially, complainant did support the prosecution case, but during cross-examination, resiled from his earlier version, however, he seeks time to have the latest position of the trial.

On his request, adjourned to 10.02.2021.

As the petitioner is in custody since 01.07.2018, therefore, let he be released on interim bail in the present case till the next date of hearing on his furnishing adequate bail and surety bonds subject to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned..”

Learned counsel, on instructions from petitioner, submits that his co-accused have already been granted the concession of bail pending trial by this Court. After grant of interim bail, petitioner is regularly appearing before learned trial Court. Further contended that there is no other criminal case pending against him. Also contended

that there is no apprehension of influencing the witnesses or tampering with the evidence, in case, petitioner would be granted bail on regular basis.

Learned State counsel, on instructions, duly acknowledges the above factual position and submits that there is no misuse of interim bail granted to the petitioner.

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 10.11.2020 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.

09.08.2022
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(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking / reasoned :

Yes

No

Whether Reportable :

Yes

No