

201 (2nd case)

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

**CRM-M-49501-2021 (O&M)
Date of decision : 18.11.2022**

Sucha @ Sucha Bhatti

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Piyush Sharma, Advocate for the petitioner(s).

Mr. D.K. Singal, Addl.A.G., Punjab,
assisted by ASI Sukhdev Raj.

MAHABIR SINGH SINDHU, J.

First petition has been filed under Section 439 Cr.P.C. for grant of bail pending trial to the petitioner in FIR No.164 dated 30.07.2018, under Sections 307, 323, 341, 34 of the Indian Penal Code, 1860; and Sections 25 & 27 of the Arms Act, 1959 at Police Station City Ferozepur, District Ferozepur.

In this case, prosecution was launched on the statement of one Gurkirtan Singh alleging that accused/applicant had fired a shot at complainant from his pistol, in order to kill him but hit the fuel tank of his motorcycle. The complainant tried to snatch the pistol from applicant, but driver of the motorcycle gave pistol blow on his head from reverse side. The complainant in order to save himself, went inside the KD Hospital; however, the accused chased him and fired blindly in order to kill him, which hit on the left & right thighs.

This Court, on 25.03.2022, granted interim bail to the petitioner and relevant portion of the same reads as under: -

“Learned State Counsel, on instructions apprised the Court that petitioner is in custody since 10.05.2019.

As the interim bail has already been granted to co-accused, namely, Sunil @ Nata in CRM-M-32925 of 2021, therefore, let petitioner be also released on interim bail in the present case till the next date of hearing upon furnishing adequate bail and surety bonds subject to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.

Posted on 25.07.2022.”

Learned counsel, on instructions from petitioner, contends that in view of the interim bail granted to the petitioner, he is regularly appearing before learned trial Court. Also contended that there would be no apprehension of influencing the witnesses or tampering with the evidence, in case, petitioner is granted bail on regular basis.

Learned State counsel, instead of disputing the above factual position, acknowledged that petitioner is regularly appearing before learned trial Court and he has not misused the concession of interim bail.

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 25.03.2022, 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.

18.11.2022

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(MAHABIR SINGH SINDHU)

JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No