

204**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-11029-2020 (O&M)
Date of decision : 27.02.2023**

Harmandeep Singh

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. S.S. Brar, Advocate,
for Mr. Sidhant Mehra, Advocate,
for the petitioner.

Mr. Sandeep Chopra, DAG, Punjab,
assisted by ASI Jagdev Singh.

Ms. Kanika Ahuja, Advocate,
for respondent No.2.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of bail pending trial to the petitioner in FIR No.36 dated 05.03.2019, under Sections 302, 506, 201, 34 of the Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959, registered at Police Station City Batala, District Gurdaspur.

2. Allegations are that petitioner along with co-accused committed murder of Randhir Singh.

3. This Court, on 12.02.2021, granted interim bail to the petitioner and relevant part of which is recapitulated as under: -

“Learned Senior counsel contends that petitioner is in custody since 26.03.2019 and DDR No.34 dated 19.11.2020 as well as application dated 20.02.2020 of the complainant were found to be without any basis.

Above factual position is duly acknowledged by learned State counsel, on instructions from police official; however, learned counsel for the complainant expressed apprehension while alleging that petitioner had openly threatened the prosecution witnesses on various occasions.

Learned State counsel will take definite instructions regarding the threat alleged against the petitioner.

Posted on 07.04.2021.

*Since the petitioner is in custody for the last almost two years and there is no progress in the trial, therefore, **till the next date of hearing**, let he be released on interim bail, in this case, subject to the satisfaction of learned Trial Court/Chief Judicial Magistrate/Duty Magistrate concerned, after putting heavy surety on him.”*

4. Learned counsel contends that petitioner was granted interim bail by this Court on 12.02.2021 and since then, he is regularly appearing before learned trial Court. Also contends that he is not involved in any other criminal case.

5. Learned State Counsel, upon instructions, has fairly acknowledged the above factual position.

6. Heard learned counsel for both the sides and perused the paper book.

7. Petitioner was granted interim bail by this Court and he is regularly appearing before the Court below; and there is no allegation

that he is likely to misuse the concession of bail or hamper the proceedings in any manner, in case his interim bail is made absolute.

8. Since trial is likely to take sufficiently long time, thus sending the petitioner in custody at this stage would not serve any purpose.

9. Consequently, present petition is allowed. Interim bail granted to the petitioner, vide order dated 12.02.2021, is made absolute. He shall be admitted to bail on his furnishing bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

10. Petitioner shall fully co-operate with the learned trial Court without seeking any unnecessary adjournment(s).

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

12. 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.

27.02.2023
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(MAHABIR SINGH SINDHU)
JUDGE

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