

104 (1st case)

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

**CRM-M-24348-2021 (O&M)
Date of decision : 22.02.2023**

Arshdeep Singh @ Ashu

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Dilpreet Singh Gandhi, Advocate,
for the petitioner.

Mr. Sandeep Chopra, DAG, Punjab.

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.93 dated 12.07.2018, under Sections 302, 201, 148 & 149 of the Indian Penal Code, 1860 (*for short 'the IPC'*), registered at Police Station B-Division, District Amritsar.

2. Allegations are that petitioner along with co-accused, committed the murder of one Happy and threw his dead-body in the fields.

3. This Court, on 29.10.2021, granted interim bail to the petitioner in the following manner:-

“On 20.09.2021, this Court passed the following order:-

“Learned counsel for the petitioner contends that most of the material witnesses have turned hostile.

Faced with this situation, learned State counsel seeks time to file a short affidavit in the matter.

Posted on 29.10.2021.”

Today, although learned State Counsel supplied Custody Certificate of the petitioner, but she is seeking more time for filing the desired affidavit in terms of the above order.

*Posted on **21.12.2021.***

Since petitioner is in custody since 20.07.2018, therefore, 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.”

4. Learned counsel contends that petitioner was granted interim bail by this Court on 29.10.2021 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 29.10.2021, 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.

22.02.2023	(MAHABIR SINGH SINDHU)	
<i>atulsethi</i>	JUDGE	
Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No