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

**CRM-M-27291-2020 (O&M)
Date of decision : 28.02.2023**

Baljinder Singh

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: None for the petitioner.

Mr. Sandeep Chopra, DAG, Punjab,
assisted by HC Jatinder Singh.

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.41 dated 27.03.2017, under Sections 302 & 120-B of the Indian Penal Code, 1860 (*for short 'the IPC'*), registered at Police Station City Samana, District Patiala.

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

3. It transpires that petitioner was granted interim bail by this Court on 08.04.2021, in the following manner:-

“The matter has been argued by learned counsel for the petitioner, but when learned State counsel was asked about the complicity of the petitioner, he has shown

inability on the premise that report of SIT is not available with him.

Posted on 25.05.2021.

Since the petitioner was nominated as an accused in this case after 1½ years of the registration of the FIR and he is in custody since 30.01.2019, therefore, till the next date of hearing, he be released on interim bail, on furnishing bail bond and surety bond to the satisfaction of learned trial Court/CJM/Duty Magistrate, concerned.”

4. No one has come present to assist in the matter on behalf of petitioner.

5. However, learned State Counsel, upon instructions, has fairly submitted that petitioner is regularly appearing before the Court below and there is no apprehension that he is likely to misuse the concession. Further submitted that out of 33 prosecution witnesses, only 22 have been examined till date and now, trial is pending for 21.03.2023.

6. Heard learned State counsel 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 08.04.2021, 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.

28.02.2023

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(MAHABIR SINGH SINDHU)

JUDGE

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