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206 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-30359-2023 (O&M)
Date of decision : 29.11.2023

Krishna Kumar

...Petitioner

Versus

State of U.T., Chandigarh

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present : Mr. Kamal Narula, Advocate, for
Mr. Naveen Sharma, Advocate,
for the petitioner.

Mr. Viranjeet Singh Mahal, Addl. P.P., U.T., Chandigarh,
for the respondent.

MAHABIR SINGH SINDHU, J.

Petition under Section 438 of the Code of Criminal Procedure, 1973, has been filed for issuance of direction to learned trial Court to grant pre-arrest bail to the petitioner in FIR No.19 dated 23.01.2019, under Sections 279 & 337 of the Indian Penal Code, 1860, registered at Police Station Industrial Area, District U.T., Chandigarh.

2. Above FIR was registered on the basis of statement made by one Mandeep with the allegations that petitioner had driven his Auto Rickshaw in a rash or negligent manner due to which, he as well as his friend sustained injuries.

3. This Court, on 13.06.2023, passed the following orders:-

“Contends inter alia that on account of communication gap with the counsel representing petitioner, he could not appear before learned trial Court

on 15.03.2023 and that resulted into cancellation of the bail as well as surety bonds.

Notice of motion

Mr. Viranjeet Singh Mahal, Addl. P.P., UT, Chandigarh assisted by ASI Parvinder Singh, P.S. Industrial Area, Chd. accepts notice on behalf of the respondent and seeks time to have instructions and/or file written response in the matter.

Posted for 19.09.2023.

Petitioner shall surrender before the Court below and the learned trial Court shall admit him to bail in the present case i.e. FIR No.19 dated 23.01.2019 (P-1), under Sections 279 & 337, IPC, registered at Police Station Industrial Area, Chandigarh on furnishing adequate bail and surety bonds to its satisfaction.”

4. Today, learned counsel for the petitioner, on instructions, submits that in pursuance to the aforesaid order, petitioner has already proceeded before the Court below and he is regularly appearing.
5. Above factual position is duly acknowledged by learned State Counsel, on instructions from ASI Kuldeep Singh, and further stated that custodial interrogation of the petitioner is not required at this stage.
6. In view of the above, interim order dated 13.06.2023 is made absolute.
7. It is also made clear that petitioner shall appear on each date of hearing and to fully co-operate with learned trial Court without seeking any unnecessary adjournment(s).
8. The above observation may not be construed as an expression of opinion on the merits of the case.

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9. It is clarified that in case, there is any misuse of concession of bail on the part of petitioner, U.T., Chandigarh, would be at liberty to move an appropriate application for recalling of this order.
10. Pending application(s), if any, shall also stand disposed off.

29.11.2023
adhikari

(MAHABIR SINGH SINDHU)
JUDGE

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