

CRM-M-43220-2023 (O&M)

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208 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-43220-2023 (O&M)
Date of decision : 07.11.2023

Roop Lal @ Kala Pehalwan

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present : Mr. Manbir Singh Basra, Advocate,
for the petitioner.

Mr. C.L.Pawar, Additional Advocate General, Punjab,
for the respondent.

MAHABIR SINGH SINDHU, J.

Petition under Section 438 of the Code of Criminal Procedure, 1973, has been filed for grant of pre-arrest bail to the petitioner in FIR No.05 dated 14.01.2022, under Sections 302, 307, 323, 148, 149 and 506 of the Indian Penal Code, 1860, registered at Police Station Division No.1, District Pathankot.

2. Above FIR was registered on the basis of statement made by one Surishta with the allegations that petitioner has inflicted grievous hurt to her son-Anoop Singh and due to which, he succumbed to the injuries.

3. This Court, on 31.08.2023, passed the following order:-

“Contends inter-alia that during investigation, petitioner was declared innocent and his name was kept in column No.2 of the challan/report under Section 173 Cr.P.C. He is ready to join the proceedings before the learned trial Court.

Notice of motion for 26.09.2023.

Petitioner shall surrender before the learned trial Court and on his doing so, till the next date of hearing, he shall be released on interim bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.”

4. Thereafter, the petitioner was released on interim bail by the learned trial Court on 04.09.2023 and relevant part of the order is recapitulated as under:-

“1. File taken up today as Sh. Sumeet Kumar, Adv., has appeared on behalf of the applicant-accused Roop Lal and filed power of attorney along with an application for accepting the bail bonds in terms of order passed by the Hon'ble High Court of Punjab and Haryana, Chandigarh vide its order dated 31.08.2023. The application is duly supported with copy of order dated 31.08.2023 passed by Hon'ble High Court in CRM-M-43220-2023 titled as Roop Lal @ Kala Pehalwan Vs. State of Punjab, whereby notice of motion has been issued for 26.09.2023 and further it has been ordered that the petitioner shall surrender before the learned trial Court and on his doing so, till the next date of hearing, he shall be released on interim bail on his furnishing bail bonds and surety bonds to the satisfaction of learned Trial Court/Duty Magistrate concerned. Reader of this court is directed to confirm the order dated 31.08.2023 passed by the Hon'ble High Court, who has confirmed the order from the official website of the

Hon'ble Punjab and Haryana High Court and found the same as correct.

2. *Accordingly in view of the order dated 31.08.2023 passed by the Hon'ble Punjab and Haryana High Court, Chandigarh in CRM-M-43220-2023 titled as Roop Lal @ Kala Pehalwan Vs. State of Punjab, the applicant-accused Roop Lal @ Kala Pehalwan is directed to furnish the interim bail bonds in the sum of Rs.1,00,000/- with one surety in the like amount. Requisite interim bail bonds/surety bonds have been furnished, which are accepted and attested. The accused is directed to appear on the date already fixed in this case i.e. 15.09.2023.”*

5. The above interim concession granted by learned trial Court is still continuing.

6. Also acknowledged by both sides that petitioner is regularly appearing before the Court below and there is no apprehension that he is likely to flee from justice; nor any other criminal case is stated to be pending against him.

7. As the petitioner is on interim bail w.e.f. 04.09.2023; therefore, no purpose would be served to keep the matter pending and/or to send the petitioner in custody at this stage.

8. As a result thereof, there is no option except to make the interim order dated 04.09.2023, absolute.

9. Ordered accordingly.

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10. The petitioner shall appear on each date of hearing and to fully co-operate with learned trial Court without seeking any unnecessary adjournment(s).
11. The above observation 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 on the part of petitioner, State would be at liberty to move an appropriate application for recalling of this order.
13. Disposed of accordingly.
14. Pending application(s), if any, shall also stand disposed off.

07.11.2023 <i>adhikari</i>	(MAHABIR SINGH SINDHU) JUDGE	
Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No