

CRM-M-43943-2023 (O&M)

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208-2 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-43943-2023 (O&M)
Date of decision : 07.11.2023

Tara Chand

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present : Mr. Vipin Mahajan, 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 04.09.2023, passed the following order:-

“Contends inter-alia that similar matter is pending before this Court on 26.09.2023 in CRM-M-43220-2023.

Notice of motion for 26.09.2023.

To be heard along with aforesaid case.

Petitioner shall surrender before the learned trial Court and on his doing so, till the next date of hearing, he 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 11.09.2023 and relevant part of the order is recapitulated as under:-

“File taken up today upon an application filed by applicant/accused Tara Chand through counsel for allowing him to furnish the bail bonds. The present application is duly supported with copy of order dated 04.09.2023 passed by Hon'ble High Court of Punjab and Haryana, Chandigarh in CRM-M-43943-2023 titled as Tara Chand Vs. State of Punjab, whereby it is ordered that petitioner shall surrender before the Ld. Trial Court and on his doing so, till the next date of hearing he 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 04.09.2023 passed by the Hon'ble High Court from the official website of the Hon'ble High Court who has confirmed the same and found the same as correct.

Accordingly in view of the order dated 04.09.2023 passed by the Hon'ble High Court in CRM-M-43943-2023 titled as Tara Chand Vs. State of Punjab. The applicant/accused Tara Chand 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 and surety bonds on behalf of the accused Tara Chand furnished which are accepted and attested. Accused is directed to appear on the date already fixed 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 11.09.2023, absolute.
9. Ordered accordingly.
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.

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13.
- Disposed of accordingly.
14.
- Pending application(s), if any, shall also stand disposed off.

07.11.2023
adhikari

(MAHABIR SINGH SINDHU)
JUDGE

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