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

CRM-M-45498-2023 (O&M)

Date of decision : 22.11.2023

Sukhwinder Singh @ Sukha and others

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Rajinder Yadav, Advocate,
for Mr. Salil Dev Singh Bali, Advocate,
for the petitioners.

Mr. Jaiteshwar S. Bhandari, AAG, Punjab.

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 petitioners in FIR No.120 dated 26.10.2017, under Sections 307, 341, 324, 323, 148 read with Section 149 (Section 302 added subsequently) of the Indian Penal Code, 1860 (for short, '*the IPC*'), registered at Police Station Lakho Ke Behram, District Ferozepur, pursuant to summoning order dated 29.07.2019, under Sections 302, 324, 323, 341, 148 read with Section 149 of the IPC.

2. Allegations are that the petitioners along with co-accused committed murder of Makhan Singh, father of complainant-Bishambar Singh.

3. This Court, on 19.09.2023, granted interim bail to petitioners and order reads as under:-

“Contends inter-alia that during investigation, no incriminating material or weapon was recovered from either of the petitioners.

Learned State counsel is not able to controvert the above contention and seeks time to have instructions in the matter.

Posted on 16.10.2023.

In the meantime, petitioners shall join proceedings before the learned trial Court and on their doing so, they be released on interim bail till the next date of hearing on furnishing bail bonds and surety bonds to its satisfaction.”

4. Learned counsel contends that petitioners were granted interim bail by this Court on 19.09.2023 and they have joined the proceedings and regularly appearing before learned trial Court. Also contends that there is also no apprehension that petitioners are likely to hamper the trial in any manner.

5. Learned State Counsel, on instructions is not able to confront the contentions of petitioners; rather fairly acknowledged the above factual position.

6. Heard learned counsel for both the sides and perused the paper book.

7. On 19.09.2023, petitioners were granted interim bail by this Court and they are regularly appearing before the Court below; there is no allegation that petitioners are likely to misuse the concession of bail or hamper the proceedings in any manner, in case their interim bail is made absolute; thus, sending the petitioners in custody at this stage would not serve any purpose.

8. Consequently, present petition is allowed. Interim bail granted to the petitioners, vide order dated 19.09.2023, is made absolute. All three petitioners shall be admitted to bail on furnishing bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
9. Petitioners shall appear on each & every date and fully co-operate with the learned trial Court without seeking any unnecessary adjournment(s).
10. The above observations may not be construed as an expression of opinion on the merits of the case.
11. It is clarified that in case there is any misuse of concession of bail on the part of the petitioner(s), State of Punjab would be at liberty to move an appropriate application(s) for recalling of this order.
12. Pending application(s), if any, shall stand disposed off.

22.11.2023
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(MAHABIR SINGH SINDHU)
JUDGE

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