

CRM-M-46872-2023 (O&M)

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208-3 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-46872-2023 (O&M)
Date of decision : 07.11.2023

Manmohan Krishan @ Monu Bhagat

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present : Mr. Hans Raj Verma, Advocate, for
 Ms. Rimple Saini, 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 19.09.2023, granted interim bail to petitioner subject to his surrender before the learned trial Court and relevant part of the same is recapitulated as under:-

“Contends inter-alia that co-accused (Roop Lal @ Kala) with similar allegations has been granted concession of interim pre-arrest bail, vide CRM-M-43220-2023.

Notice of motion for 26.09.2023.

To be heard along with CRM-M-43220-2023.

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 20.09.2023 and relevant part of the order is recapitulated as under:-

“1. File taken up today as Sh. Dinesh Kumar, Adv., has appeared on behalf of applicant-accused manmohan Krishan @ Monu Bhagat and filed an application for confirming the bail order dated 19.09.2023 passed by the Hon'ble High Court of Punjab & Haryana Chandigarh and accepting and attesting the bail/surety bonds of accused-applicant. The application is duly supported with copy of order dated 19.09.2023 passed by the Hon'ble High Court in CRM-M-46872-2023 titled as Manmohan Krishan alias Monu Bhagat 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 19.09.2023 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 correct.

2. *Accordingly, in view of the order dated 19.09.2023 passed by the Hon'ble High Court in CRM-M-46872-2023 titled as Manmohan Krishan alias Monu Bhagat Vs. State of Punjab, the applicant-accused Manmohan Krishan @ Monu Bhagat 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. 06.10.2023."*

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. 20.09.2023; 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 20.09.2023, absolute.

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9. Consequently petition is allowed. Petitioner is ordered to be released on bail pending trial on his furnishing adequate bail and surety bonds subject to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.
10. Ordered accordingly.
11. The petitioner shall appear on each date of hearing and to fully co-operate with learned trial Court without seeking any unnecessary adjournment(s).
12. The above observation may not be construed as an expression of opinion on the merits of the case.
13. 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.
14. Disposed of accordingly.
15. 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