233(6)

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM M-3277-2024 (O&M)
Date of Decision: 13.02.2024

Arif Khan

.....Petitioner

Versus

State of Haryana .....Respondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Saleem Ahmed, Advocate,
for the petitioner.

Mr. Vikram Singh, AAG, Haryana
assisted by ASI Somvir.

MAHABIR SINGH SINDHU. J.

Present petition has been filed under Section 439 Cr.P.C seeking bail pending trial in FIR No.159 dated 06.04.2023 registered under Sections 323, 341 and 506 read with Section 34 IPC (Sections 341, 506, 379-B, 307, 120-B, 395 & 148 read with section 149 IPC added later on) (Section 379-B deleted later on), Police Station, City Sohna, District Gurugram.

2. Allegations are that petitioner along with his co-accused formed an unlawful assembly and in prosecution of their common object, caused injuries to complainant-Bhanu with an intention to kill him.

3. This Court, on 30.01.2024, granted interim bail to the petitioner in the following order:-

> *"Contends inter alia that co-accused with similar allegations has already been granted concession of interim pre-arrest bail by this Court vide order dated 15.12.2023 passed in CRM-M-61938-2023.*
>
> *Notice of motion.*

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Mr. Kiran Pal Singh, AAG, Haryana, accepts notice on behalf of the respondent-State and seeks time to have instructions and/or written response in the matter.

Posted for 13.02.2024.

In the meanwhile, petitioner shall join investigation before the Investigating Officer. In the event of his arrest, the Arresting Officer would admit him to interim bail, till the next date of hearing, on furnishing adequate bail and surety bonds to his satisfaction. The petitioner shall also abide by all the conditions as envisaged under Section 438(2) of the Code of Criminal Procedure, 1973.

To be heard along with ***CRM-M-61938-2023.****"*

4. Learned counsel submits that petitioner was granted interim bail by this Court on 30.01.2024 and since then, he is regularly appearing before the learned trial Court. Also contends that there is no misuse of concession by the petitioner.

5. Learned State counsel, upon instructions, has fairly acknowledged the above factual position.

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

7. Concededly, petitioner has already been granted interim bail by this Court and he is regularly appearing before learned trial Court. There is no allegation that he is likely to misuse the concession of bail or hamper the proceedings in any manner, in case his interim bail is made absolute. Thus sending the petitioner to custody at this stage would not serve any purpose.

8. Consequently, the present petition is allowed. Interim bail granted to the petitioner, vide order dated 30.01.2024, is made absolute. He shall be

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admitted to bail on his furnishing bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

9. Petitioner shall 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, State of Haryana would be at liberty to move an appropriate application for recalling of this order. Also clarified that non-appearance of petitioner before the learned trial Court shall be construed as misuse of the concession.

12. Pending criminal misc. application(s), if any, shall also stand disposed off.

13.02.2024 **(MAHABIR SINGH SINDHU)**
SN **JUDGE**

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

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