

221-2

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

**CRM-M-2894-2024 (O&M)
Date of decision : 15.04.2024**

Rahul @ Rohit

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Sandeep Saini, Advocate,
for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail pending trial to the petitioner in FIR No.233 dated 14.11.2023, under Sections 323, 341, 353, 395, 452, 506 & 148 read with Section 149 of the Indian Penal Code, 1860, registered at Police Station Partap Nagar, District Yamunanagar.

2. Allegations are that co-accused Lucky was apprehended by the informant-Amit Kumar, Forest Guard when he along with some other persons were loading woods which were illegally cut from the forest area. After reaching the Headquarter, when they were present in the office, 15-20 persons armed with *lathis*, *danda* & rods attacked the informant as well as other victims and caused injuries to them.

3. Learned counsel for the petitioner contends that petitioner was granted interim bail by this Court on 24.01.2024 and he is regularly appearing before learned trial Court. There is no apprehension that petitioner is likely to influence the prosecution witnesses or hamper the trial, in any manner. Also contends that there is no other criminal case pending against the petitioner.

4. Learned State Counsel, on instructions, has fairly acknowledged the above factual position.

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

6. It is a matter of record that petitioner was granted interim bail by this Court on 24.01.2024 and the order reads as under:-

“Learned State counsel seeks time to have instructions regarding report under Section 173 Cr. P.C.

Posted for 29.02.2024.

To be heard along with CRM-M-491-2024.

In the meanwhile, petitioner be released on interim bail in the present case till the next date of hearing on furnishing adequate bail and surety bonds subject to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.”

7. It is acknowledged by learned State counsel that in terms of the aforesaid order, petitioner was released on interim bail 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 case his interim bail is made absolute; and petitioner is

not involved in any other criminal case; and charges have already been framed on 08.04.2024 and trial is now pending for prosecution evidence on 24.05.2024; hence, sending the petitioner to custody at this stage would not serve any purpose.

8. Consequently, present petition is allowed. Interim bail granted to the petitioner, vide order dated 24.01.2024, is made absolute. Petitioner shall be admitted to bail on furnishing bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

9. Petitioner shall appear on each & every date of hearing and to 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.

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

15.04.2024
atulsethi

(MAHABIR SINGH SINDHU)
JUDGE

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