

233

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

CRM-M-6755-2024 (O&M)

Date of decision : 29.04.2024

Gurpreet Singh

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Ankur Jain, Advocate for the petitioner.

Mr. Neeraj Madaan, Sr.DAG, Punjab.

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.054 dated 26.06.2021, under Sections 506 & 302 read with Section 34 of the Indian Penal Code, 1860, registered at Police Station Jhander, District Amritsar.

2. Allegations are that petitioner along with other co-accused committed murder of Balkar Singh, father of the complainant.

3. Learned counsel for the petitioner contends that petitioner was granted interim bail by this Court on 13.02.2024 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. Further contended that even third prosecution witness who is claiming to be an eye-witness is not

supporting the prosecution case. Again submitted that there is no other criminal case pending against the petitioner.

4. Learned State Counsel, on instructions, is not able to dispute 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 13.02.2024 and the order reads as under:-

“Contends that both the material witnesses i.e. Randhir Singh-PW1 as well as Sukhdev Singh-PW2 (son and brother of the deceased) are not supporting the prosecution case.

Learned State counsel seeks time to verify the above factual position.

Posted for 29.02.2024.

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. Apart that, these material witnesses are not supporting the case of prosecution; and petitioner is not involved in any other criminal case; therefore, sending him to custody would not serve any purpose.

8. Consequently, present petition is allowed. Interim bail granted to the petitioner, vide order dated 13.02.2024, 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 Punjab 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.

29.04.2024
Atulsethi/v

(MAHABIR SINGH SINDHU)
JUDGE

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