

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.7252 of 2023 (O&M)
Date of Decision: 22.02.2024

Rajesh Kumar

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- None for the petitioner.

Ms. Manjot Kaur, AAG, Punjab for the respondent.

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.109 dated 31.08.2022, under Section 380 of the Indian Penal Code, 1860 (Sections 411 & 413 IPC added later on), registered at Police Station Maqsudan, District Jalandhar.

(2) Above FIR was registered on the basis of statement made by Amarjit Singh, Transport Manager of DIPS Institution with the allegations that 17 buses of DIPS Institute were transporting the School children & Teachers on different routes. Co-accused/driver-Sunny has been working on Jeep bearing registration No.PB-09-C-2299 for the last seven years and complainant was having suspicion that he is indulging in theft of oil (diesel). Complainant

chased him and apprehended on the spot, who upon asking disclosed that he is selling the stolen oil at cheap rates to the petitioner.

(3) This Court, on 14.07.2023, granted interim bail to the petitioner in following manner:-

“Reply by way of affidavit dated 06.07.2023 of Sh. Tarsem Masih, DSP, Sub Division Kartarpur, District Jalandhar (Rural) in compliance of order dated 15.02.2023 on behalf of the respondent has been filed.

Custody Certificate has also been filed.

Both the aforesaid documents are taken on record. Copies thereof supplied to the opposite side.

Contends that petitioner is in custody since 26.12.2022; after investigation, report under Section 173 Cr.P.C. was presented wayback and charges have also been framed on 12.07.2023.

Also contends that there is no recovery made from the petitioner.

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

Posted for 06.09.2023.

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

(4) Learned State Counsel, on instructions from ASI Harbans Singh submits that in compliance of aforesaid order, petitioner is regularly appearing before the Court below and there is no apprehension or allegation that he is likely to misuse the concession of bail in any manner.

(5) Heard learned State Counsel and perused the paper-book.

(6) It is not in dispute that petitioner was granted interim bail and he is regularly appearing before learned trial Court. There is no allegation that in

case he is granted bail pending trial, he will misuse the concession in any manner; thus, in such a scenario, sending him in custody at this stage would not serve any purpose.

(7) Consequently, the present petition is allowed. Interim bail granted to the petitioner, vide order dated 14.07.2023, is made absolute. He shall be admitted to bail on his furnishing bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(8) Petitioner shall fully co-operate with the learned trial Court without seeking any unnecessary adjournments.

(9) The above observations may not be construed as an expression of opinion on the merits of the case.

(10) It is clarified that in case there is any misuse of concession of bail on the part of petitioner, State would be at liberty to move an appropriate application for recalling of this order.

(11) Disposed off accordingly.

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

22nd February, 2024
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(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	Yes