



CRM-M No. 8937 of 2024 1

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M No. 8937 of 2024 (O&M)
Date of Decision: 20.09.2024

Kulwant Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**Present:** Mr. Manu Loona, Advocate for the petitioner.

Mr. Ajaib Singh, Addl. AG, Punjab.

MAHABIR SINGH SINDHU, J.

Present **second** petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 seeking bail pending trial in FIR No. 37 dated 22.04.2022, under Sections 302, 323 and 148 read with Section 149 of the Indian Penal Code, 1860 (for short, 'IPC') (Later on Section 302 IPC was deleted and offence under Sections 304 and 325 IPC were added vide Rapat No. 16 dated 24.09.2022), registered at Police Station Khui Khera, District Fazilka.

2. Allegations are that petitioner along with other co-accused formed an unlawful assembly and in prosecution of the common object of the said assembly, caused serious injuries to Mangat Ram-uncle of the *de facto* complainant-Hans Raj with sticks and *axe* with intention to kill him.

3. Learned counsel for the petitioner contends that petitioner was granted interim bail by this Court on 13.05.2024 and in pursuance thereof, he is regularly appearing before learned trial Court. Further submits that



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there is no allegation that petitioner is likely to misuse the concession or hamper the proceedings in any manner.

4. *Per contra*, learned State Counsel, on instructions from quarter concerned, has acknowledged the above factual position and submits that petitioner is regularly appearing before learned trial Court. He also acknowledged that petitioner has not misused the concession of interim bail granted by this Court on 13.05.2024; but he has opposed the prayer for bail at this stage.

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

6. This Court, granted interim bail to the petitioner on 13.05.2024, in the following manner:-

“Contends that petitioner is in custody since 22.04.2022; charges against him were framed way back on 23.01.2023 and qua remaining accused on 06.04.2024. Also contends that all the co-accused have been granted the concession of either pre-arrest or post arrest bail by the Court(s) of competent jurisdiction.

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

Posted for 20.08.2024.

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. Learned State counsel has duly acknowledged that petitioner is regularly appearing before learned trial Court and there is no allegation that in case, interim bail is made absolute, he is likely to misuse the concession or hamper the proceedings in any manner. In such a scenario, sending the petitioner to custody at this stage would not serve any purpose.



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to the petitioner, vide order dated 13.05.2024, is made absolute. He 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 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 by the petitioner, State would be at liberty to move an appropriate application for recalling of this order.

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

20.09.2024
Rajeev (rvs)

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No