



215-4

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

CRM-M-11788-2024 (O&M)

Date of decision : 20.09.2024

Kanhaiya Lal @ Kanhiya Lal

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Ms. Poorva Gupta, Advocate,
for Mr. Akshit Aggarwal, Advocate,
for the petitioner.

Mr. Kiran Pal Singh, AAG, Haryana,
assisted by DSP Rajesh Kumar.

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.301 dated 17.07.2023, under Sections 323, 506 & 148 read with Section 149 (Sections 325 & 307 added subsequently) of the Indian Penal Code, 1860, registered at Police Station Gandhi Nagar, District Yamuna Nagar.

2. Allegations are that petitioner along with other co-accused gave beatings to the complainant-party and caused injuries with *dandas*, iron rods, etc.

3. Learned counsel for the petitioner contends that petitioner was granted interim bail by this Court on 23.05.2024 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.

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 23.05.2024 and the order reads as under:-

“Learned counsel for petitioner while making reference to MLRs (P-6 to P-10 in CRM-M-9215-2024), contends that it was a free fight and from petitioner side also, three persons suffered injuries; but Police did not take any action against the other side.

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

Posted for 13.08.2024.

To be heard along with CRM-M-58682-2023.

Till the next date of hearing, petitioner is ordered to be released on interim bail in this case on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/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; therefore, 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 23.05.2024, 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. Above observations be not construed as an expression of opinion on merits of case, in any manner.
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.

20.09.2024
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(MAHABIR SINGH SINDHU)
JUDGE

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