

220 (3rd case)

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

**CRM-M No.13512 of 2023 (O&M)
Date of Decision: 04.03.2024**

Rahul Gagla @ Rahul Ghangla

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. B.D.Sharma, Advocate for the petitioner.

Mr. Neeraj Madan, Sr. DAG, Punjab for the respondent.

Mr. Sandeep Sharma, Advocate for
Mr. Veneet Sharma, Advocate for the complainant.

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 24.09.2022, under Sections 307, 323, 427 read with Section 34 of the Indian Penal Code, 1860; Section 25 of the Arms Act, 1959, registered at Police Station Gate Hakima, District Police Commissionerate Amritsar.

(2) Above FIR was registered on the basis of complaint made by Jashandeep Singh @ Raja with the allegations that petitioner, along with co-accused, in furtherance of their common intention, gave beatings to complainant as well as one Sukhbir Singh. Co-accused Jobanpreet Singh @ Joban fired shots from his revolver upon the complainant with an intention to kill him.

(3) This Court, on 05.07.2023, granted interim bail to the petitioner in following manner:-

“Contends that all the injuries alleged are simple in nature and report under Section 173 cr.P.C. has already been presented.

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

Posted on 31.08.2023.

In the meantime, petitioner is ordered to be released on interim bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.”

(4) Learned Counsel for the petitioner contends 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) Learned State Counsel, on instructions from ASI Manjinder Singh, has acknowledged the above factual position.

(6) Heard learned Counsel for the parties and perused the paper-book.

(7) 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.

(8) Consequently, the present petition is allowed. Interim bail granted to the petitioner, vide order dated 05.07.2023, 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.

- (9) Petitioner shall fully co-operate with the learned trial Court without seeking any unnecessary adjournments.
- (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 petitioner, State would be at liberty to move an appropriate application for recalling of this order.
- (12) Disposed off accordingly.
- (13) Pending application(s), if any, shall also stand disposed off.

4th March, 2024
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

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