



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-19121-2024 (O&M)
Date of decision : 20.09.2024

Karan Singh @ Billa ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Priyanshu Kamra, Advocate for the petitioner.

Mr. Ajaib Singh, Addl.A.G., Punjab assisted by
SI-Satwant Singh.

MAHABIR SINGH SINDHU, J.

Present second 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. 86 dated 02.07.2022, under Sections 323, 302, 449, 148 read with Section 149 of Indian Penal Code, 1860 (for short 'IPC') registered at P.S. Sadar Malout, District Sri Muktsar Sahib.

2. Allegations are that petitioner along with co-accused armed with *danda* committed murder of Nitish Kumar, brother of *de facto* complainant- Mukesh and also caused injuries to the complainant.

3. Contends that petitioner was granted concession of interim bail by this Court on 22.05.2024 and he is regularly appearing before learned trial Court. Further, contends that all material prosecution witnesses have turned hostile and there is no allegation or apprehension that he is likely to misuse the concession or hamper the trial, in case interim order is made absolute.

4. Learned State counsel, on instructions, acknowledges the above factual position.



5. Heard both sides and perused the paper-book.

6. It is not in dispute that petitioner was granted interim bail by this Court on 22.05.2024 and the order reads as under:-

“ Application for grant of interim bail to the applicant/petitioner.

Notice of the application to the non-applicant.

Ms. Manjot Kaur, AAG, Punjab, accepts notice on behalf of the respondent-State.

While making reference to testimony of Sushil Kumar, PW-3, learned counsel for the applicant/petitioner contends that all the prosecution witnesses have resiled from their statement(s) made before the Police during investigation and no one is supporting the charges against petitioner. Also contends that co-accused-Abhishek Kumar has already been granted the concession of interim bail by this Court in CRM-M-14341-2024 vide order dated 01.04.2024 (p-10).

In view of the above, present application is allowed as prayed for, subject to all just exceptions and applicant-petitioner is ordered to be released on interim bail in the present case till the next date of hearing of the main case i.e. 21.08.2024, on furnishing adequate bail and surety bonds subject to the satisfaction of learned trial Court/Duty Magistrate concerned.

Main case to be heard along with CRM-M-14341-2024 on the date already fixed i.e. 21.08.2024.”

7. In pursuance of the above order, petitioner is regularly appearing before learned trial Court and there is no allegation that he has misused the interim concession and/or likely to hamper the trial in any manner. Moreover, all the material prosecution witnesses have turned hostile; therefore, sending him to judicial custody at this stage, would not serve any purpose.



8. Consequently, present petition is allowed. Interim bail granted to the petitioner, vide order dated 22.05.2024, is made absolute. He shall be admitted to bail on furnishing fresh bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

9. Petitioner shall appear on each and every date of hearing without seeking unnecessary adjournment(s).

10. It is clarified that above observations be not construed as an expression of opinion on merits of the case.

11. In case, there is any misuse of concession by petitioner, the State of Punjab 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
Harish Kumar

(MAHABIR SINGH SINDHU)
JUDGE

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