

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

CRM-M-21174-2023 (O&M)

Date of decision : 12.02.2024

Balvir Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Vishal Sodhi, Advocate for petitioner.

Ms. Avneet, AAG., Punjab.

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. 69 dated 25.04.2017, under Sections 307, 323, 324, 148 read with Section 149 of Indian Penal Code, 1860, registered at Police Station, Lalru, SAS Nagar.

2. Allegations are that petitioner and co-accused formed an unlawful assembly and in prosecution of their common object inflicted injuries on the person of complainant with intention to kill him.

3. This Court granted interim bail to the petitioner on 27.07.2023, in the following manner:-

“ Contends that petitioner is in custody since 14.03.2023; report under Section 173 Cr. P.C. stands submitted on 29.09.2023; and charges have also been framed on 24.07.2023. Also contends that there is no other criminal case pending against the petitioner, nor any injury has been attributed to him.

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

Posted on 11.09.2023.

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 counsel for the petitioner contends that petitioner is regularly appearing before learned trial Court and there is no allegation that he is likely to misuse the concession or hamper the proceedings in any manner. Also contended that four material witnesses have turned hostile

5. Learned State counsel on instructions from quarter concerned acknowledged the fact that petitioner is regularly appearing before learned trial Court and there is no allegation that he is likely to misuse the concession or hamper the proceedings in any manner.

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

7. Concededly, petitioner was granted interim bail by this Court on 27.07.2023 and he is regularly appearing before learned trial Court. There is no allegation that petitioner is likely to misuse the concession of bail or hamper the proceedings, in case his interim bail is made absolute; thus, sending him 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 27.07.2023, 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 and fully co-operate with the 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 in any manner, by the petitioner, State of Punjab 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.

12.02.2024
Harish Kumar

(MAHABIR SINGH SINDHU)
JUDGE

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