



211 (2nd case) **IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM M-22582-2023 (O&M)
Date of Decision: 07.05.2024

Bohar Singh

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Ms. Gurmeet Kaur, Advocate,
for the petitioner.

Ms. Avneet, AAG, Punjab.

MAHABIR SINGH SINDHU. J.

Present petition has been filed under Section 439 Cr.P.C seeking bail pending trial in FIR No.39 dated 30.04.2021 registered under Sections 307, 506, 120-B and 148 read with Section 149 IPC and Sections 25 & 27 of Arms Act, 1959, at Police Station, Makhu, District Ferozepur.

2. Allegations are that petitioner along with co-accused Satpal @ Paala, Maninder Singh, Phinder Singh, Rona, Amrit Singh, Mehar Singh and Gurmeet Singh formed an unlawful assembly and in prosecution of common object of said assembly fired shot at Manpreet Singh which hit on his left arm. All the accused fled away from the spot.

3. Learned counsel contends that matter has been amicably settled between the parties. Also contends that in pursuance of order dated 07.07.2023, petitioner was released on interim bail and since then, he is regularly appearing before the learned trial Court.

4. Learned State counsel, upon instructions, has fairly acknowledged that petitioner is regularly appearing before learned trial Court and there is no



misuse of the concession already granted to him; nor there is any apprehension that he is likely to hamper the trial in any manner.

5. Heard learned counsel for the parties and perused the paper book.

6. This Court, on 07.07.2023, granted interim bail to the petitioner and the order reads as under:-

“Status report by way of affidavit dated 07.07.2023 of Sh. Palwinder Singh, DSP, Sub Division Zira, District Ferozepur in compliance of order dated 10.05.2023 has been filed. The same is taken on record. Copy thereof supplied to the opposite side.

Contents that matter has been compromised between the parties at their own level.

Learned State counsel seeks time to verify the factum of compromise, including its legality.

Posted for 29.08.2023.

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.”

7. In pursuance of the aforesaid order, petitioner 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 any manner, in case his interim bail is made absolute; thus, sending the petitioner to 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 07.07.2023, 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 fully co-operate with the learned trial Court without seeking any unnecessary adjournment(s).



10. The above observations be not 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 the petitioner, State of Punjab would be at liberty to move an appropriate application for recalling of this order. Also clarified that non-appearance of petitioner before learned trial Court shall be construed as misuse of the concession.
12. Pending criminal misc. application(s), if any, shall also stand disposed off.

07.05.2024
SN

(MAHABIR SINGH SINDHU)
JUDGE

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