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

CRM-M-26657-2023 (O&M)

Date of decision : 14.02.2024

Shamsher

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Rajwant Singh Chahal, Advocate,
for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana.

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.1552 dated 29.09.2022, under Sections 177, 188, 419, 420, 466, 467, 468, 471 and 120-B of the Indian Penal Code, 1860 (*for short 'the IPC'*), registered at Police Station Shivaji Nagar, District Gurugram.

2. Allegations are that co-accused Dhirender impersonated the complainant-Sarabjeet and presented fake documents to be surety of petitioner (herein) and appeared before the Court in FIR No.257 dated 21.06.2019, under Sections 376(2)(n) & 506 IPC, registered at Police Station Badshahpur, District Gurugram.

3. Status report filed by way of affidavit dated 13.02.2024 of Mr. Mukesh Kumar, HPS, Assistant Commissioner of Police, City, Gurugram, is taken on record. Copy thereof supplied to the other side.

Registry to do the needful.

4. This Court granted interim bail to the petitioner on 19.09.2023, in the following manner:-

“Contends that petitioner has already been acquitted in FIR No.257 dated 21.06.2019 under Sections 376, 506 IPC, Police Station Badshahpur, Gurugram. Also submits that petitioner is in custody in the present case since 14.10.2022.

Learned State counsel seeks time to verify the factum of acquittal of the petitioner in the aforesaid FIR.

Posted for 17.10.2023.

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

5. Learned counsel for the petitioner contends that petitioner was granted interim bail by this Court on 19.09.2023 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. Also submits that petitioner stands acquitted in FIR No.257 (*supra*), vide judgment dated 16.03.2023, passed by learned Additional Sessions Judge, Gurugram.

6. Learned State Counsel, on instructions, has fairly acknowledged the above factual position.

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

8. Petitioner was granted interim bail by this Court and he is regularly appearing before the Court below; 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; thus, sending him in custody at this stage would not serve any purpose.

9. Consequently, present petition is allowed. Interim bail granted to the petitioner, vide order dated 19.09.2023, 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.

10. Petitioner shall appear on each & every date and fully co-operate with the learned trial Court without seeking any unnecessary adjournment(s).

11. The above observations may not be construed as an expression of opinion on the merits of the case.

12. 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.

13. Pending application(s), if any, shall also stand disposed off.

14.02.2024
atulsethi

(MAHABIR SINGH SINDHU)
JUDGE

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