

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

**CRM-M-28966-2022 (O&M)
Date of decision : 15.02.2024**

Fateh Singh @ Fathe Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Rahul Rampal, Advocate for the petitioner.

Ms. Manjot Kaur, AAG, Punjab for the respondent.

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.36 dated 01.03.2022, under Sections 379-B(2), 323, 324 read with Section 34 of the Indian Penal Code, 1860 (Section 411 IPC added later on), registered at Police Station, Tibba, District Ludhiana.

(2) Above FIR was registered on the basis of statement made by complainant-Ashish Kumar with the allegations that petitioner, along with co-accused, caused injuries to him with Iron *Daat* blows while attempting to snatch his mobile phone.

(3) This Court, on 31.07.2023, granted interim bail to the petitioner in following manner:-

“Learned counsel submits that it is a case of version & cross-version and even the complainant is in custody.

Learned State counsel seeks time to verify the status of both the cases.

Posted on 04.09.2023.

In the meanwhile, petitioner be released on interim bail in the present case till the next date of hearing on his furnishing bail and surety bonds subject to the satisfaction of learned trial Court/CJM/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 A.S.I. Bhupinder, has acknowledged the above factual position.

(6) Heard both sides 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 31.07.2023, 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.

15th February, 2024
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

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