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

CRM-M-30218-2023 (O&M)

Date of decision : 15.02.2024

Gurwinder Singh

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Manish Kumar Singla, Advocate,
for the petitioner.

Ms. Manjot Kaur, AAG, Punjab.

Ms. Gagandeep Kaur, Advocate,
for the complainant.

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.55 dated 19.04.2023, under Sections 307, 341, 324, 323, 506, 427 read with Section 34 (Sections 326 & 325 added subsequently) of the Indian Penal Code, 1860 (*for short 'the IPC'*), registered at Police Station Sadar Dhuri, District Sangrur.

2. Allegations are that petitioner along with other co-accused, in furtherance of their common intention, caused injuries to the complainant and his family members, with a sword and iron rods with an intention to kill them.

3. This Court granted interim bail to the petitioner on 28.09.2023, in the following manner:-

“Police Officer has apprised the Court that there is a cross-version registered at the instance of petitioner side bearing DDR No.39 dated 19.04.2023, under Sections 341, 324, 323, 506 and 34 (Section 326 added subsequently) of the IPC, registered at Police Station Sadar Dhuri, District Sangrur, in FIR No.55 dated 19.04.2023 and co-accused, namely, Bhupinder Singh, has already been granted the concession of pre-arrest bail by the Coordinate Bench in CRM-M-27494-2023 vide order dated 04.09.2023.

Posted for 28.11.2023.

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 was granted interim bail by this Court on 28.09.2023 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.

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

6. Learned counsel for the complainant also acknowledged the factum of registration of cross-version at the instance of petitioner-side.

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 28.09.2023, 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 on the part of the petitioner, State of Punjab 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.

15.02.2024
atulsethi

(MAHABIR SINGH SINDHU)
JUDGE

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