



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-30400-2023 (O&M)

Date of decision :13.05.2024

Sandeep Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. M.L. Saini, Advocate for the petitioner.

Mr. Neeraj Madaan, Sr. DAG, 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. 34 dated 28.03.2022, under Sections 302, 148 read with Section 149 and 201 (added later on) of Indian Penal Code 1860 (for short 'IPC') and Sections 24, 25 (6), 25 (7) of Arms Act, 1959, registered at Police Station Rahon, District Shaheed Bhagat Singh Nagar.

2. Above FIR was registered on the basis of statement made by *de facto* complainant-Ankita that her husband-Makhan Singh had a quarrel at petrol pump. After reaching there, she came to know that 5-6 persons came in Safari and committed murder of her husband-Makhan Singh, by using firearms, when he was getting fuel filled in his scooter.

3. Learned counsel for the petitioner contends that petitioner was granted interim bail by this Court on 22.08.2023 and in pursuance of this order, he is regularly appearing before learned trial Court. Further contends that no other criminal case is pending against the petitioner; nor there is any allegation that he is likely to misuse the concession or hamper the proceedings in any manner.



4. Learned State Counsel, on instructions from quarter concerned, has acknowledged the above factual position and submits that petitioner is regularly appearing before learned trial Court and he is fully cooperating in the matter. Also acknowledged that petitioner has not misused the concession of interim bail granted by this Court on 22.08.2023.

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

6. This Court, granted interim bail to the petitioner on 22.08.2023, in the following manner:-

“Contends inter alia that petitioner was nominated after a period of approximately nine months of registration of FIR on the basis of disclosure dated 17.01.2023 made by co-accused, namely, Deepak Chauhan @ Beeka and there is no specific role attributed to the petitioner regarding commission of the crime.

Learned State counsel seeks time to verify the status of trial.

Posted for 12.09.2023.

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.”

7. Learned State counsel has duly acknowledged that after passing of the aforesaid order, petitioner is regularly appearing before learned trial Court and there is no allegation that in case, interim bail is made absolute, he is likely to misuse the concession or hamper proceedings in any manner. In such a scenario, sending the petitioner 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 22.08.2023, 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 of hearing and to fully co-operate with 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 by the petitioner, State 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.

13.05.2024

Harish Kumar/v

(MAHABIR SINGH SINDHU)
JUDGE

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