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

CRM M-31605-2023 (O&M)

Date of Decision: 05.02.2024

Nirmal Singh @ Nimma

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Pritpal Singh Miglani, Advocate,
for the petitioner.

Mr. M.S. Tiwana, AAG Punjab.
assisted by HC Bhupinder Singh.

MAHABIR SINGH SINDHU. J.

Present petition has been filed under Section 439 Cr.P.C seeking bail pending trial in FIR No.108 dated 15.06.2019 registered under Sections 302 & 201 read with Section 34 IPC (Section 30 of Arms Act, 1959 added later on) at Police Station, Lambi, District Sri Muktsar Sahib.

2. Allegations are that petitioner along with co-accused committed murder of Kashmir Singh.

3. This Court, on 26.07.2023, granted interim bail to the petitioner in the following order:-

“Contends that petitioner is in custody since 27.04.2020 and other three co-accused, namely, Yadwinder Singh, Amrik Singh @ Satnam Singh have already been granted the concession of bail pending trial by the Coordinate Benches. Also contends that petitioner was nominated on the basis of supplementary statement made by one Gurbachan Singh (brother of deceased-Kashmir Singh) and out of total 33 prosecution witnesses, only 03 have been examined so far. Again contends that there is no other criminal case pending against the petitioner.

Notice of motion.

On the asking of the Court, Mr. Gurlal Singh Dhillon, AAG, Haryana accepts notice on behalf of respondent and seeks time to have instructions and/or file written response in the matter.

Posted for 31.08.2023.

In the meanwhile, petitioner be released on interim bail in present case till the next date of hearing on his furnishing adequate bail and surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.”

4. Learned counsel contends that all the material prosecution witnesses have turned hostile and no one is supporting the charge against the petitioner. Also contends that petitioner was granted interim bail by this Court on 26.07.2023 and since then, he is regularly appearing before the learned trial Court. Further contends that there is no other criminal case pending against the petitioner.

5. Learned State counsel, upon instructions, has fairly acknowledged the above factual position.

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

7. Concededly, all the material prosecution witnesses have turned hostile. Petitioner was granted interim bail by this Court and he is regularly appearing before the 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 26.07.2023, 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 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 the learned trial Court shall be construed as misuse of the concession.

12. Pending criminal misc. application(s), if any, shall also stand disposed off.

05.02.2024
SN

(MAHABIR SINGH SINDHU)
JUDGE

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