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

CRM M-32048-2023 (O&M)

Date of Decision: 13.02.2024

Rahul and another

.....Petitioners

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. G.C. Shahpuri, Advocate,
for the petitioners.

Mr. Vikram Singh, AAG, Haryana.

MAHABIR SINGH SINDHU. J.

Present petition has been filed under Section 439 of Code of Criminal Procedure, 1973 (for short “Cr. P.C”) seeking bail pending trial in FIR No.466 dated 13.06.2023 registered under Sections 420 and 120-B IPC and Section 7 of Essential Commodities Act, 1955, Police Station, City Yamuna Nagar, District Yamuna Nagar.

2. Allegations are that petitioners along with their co-accused hatched a criminal conspiracy and committed theft by transferring gas from filled cylinders to empty ones.

3. This Court, on 08.08.2023, granted interim bail to the petitioners in the following order:-

“Learned State counsel on instructions has apprised the Court that investigation is over in this case and he seeks time to have instructions regarding pendency of other criminal cases against the petitioner.

Posted on 04.09.2023.

In the meantime, petitioners are ordered to be released on interim bail on their furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.”

4. Learned counsel submits that petitioners were granted interim bail by this Court on 08.08.2023 and since then, they are regularly appearing before the learned trial Court. Also contends that there is no misuse of concession by the petitioners. Further contends that challan/report under Section 173 Cr.P.C was presented on 20.09.2023 and charges are yet to be considered by the learned trial Court.

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, petitioners have already been granted interim bail by this Court and they are regularly appearing before learned trial Court. There is no allegation that they are likely to misuse the concession of bail or hamper the proceedings in any manner, in case their interim bail is made absolute. Thus sending the petitioners to custody at this stage would not serve any purpose.

8. Consequently, the present petition is allowed. Interim bail granted to the petitioners, vide order dated 08.08.2023, is made absolute. They shall be admitted to bail on furnishing bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

9. Petitioners 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 petitioners, State of Haryana would be at liberty to move an appropriate application for recalling of this order. Also clarified that non-appearance of petitioners 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.

13.02.2024
SN

(MAHABIR SINGH SINDHU)
JUDGE

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