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

CRM-M-32356-2023 (O&M)

Date of decision : 16.04.2024

Raj Kumar

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Ankur Bansal, Advocate,
for the petitioner.

Ms. Manjot Kaur, AAG, Punjab,
assisted by ASI Jufail Mohammad.

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.41 dated 09.09.2021, under Section 306 of the Indian Penal Code, 1860, registered at Police Station GRP Jalandhar, District Jalandhar.

2. Allegations are that petitioner instigated and abetted the deceased-Amandeep to commit suicide.

3. Learned counsel for the petitioner contends that petitioner was granted interim bail by this Court on 09.08.2023 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. Also contends that charges have

already been framed on 18.09.2023 and out of total 22 prosecution witnesses, only 01 has been examined till date.

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

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

6. It is a matter of record that petitioner was granted interim bail by this Court on 09.08.2023 and the order reads as under:-

“Learned counsel for petitioner contends that he is in custody since 23.04.2023; after investigation challan was presented on 20.06.2023. Further contends that matter is pending for consideration of charges on 18.08.2023 and there is no other criminal case pending against the petitioner.

Learned State counsel seeks time to verify the aforesaid fact.

Posted on 13.09.2023.

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

7. It is acknowledged by learned State counsel that in terms of the aforesaid order, petitioner was released on interim bail and he is regularly appearing before learned trial Court; 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; and out of total 22 prosecution witnesses, only 01 has been examined till date; hence,

trial is likely to take sufficient long time and as such, 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 09.08.2023, is made absolute. Petitioner 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 the 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 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.

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

16.04.2024
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(MAHABIR SINGH SINDHU)
JUDGE

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