

214-1

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

**CRM-M-36141-2023 (O&M)
Date of decision : 04.01.2024**

Rahul Dogra

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Vikram Satpal Anand, Advocate,
for the petitioner.

Mr. M.S. Tiwana, AAG, Punjab,
assisted by ASI Gurcharan Singh.

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.160 dated 29.05.2023, under Sections 336, 506 read with Section 34 of the Indian Penal Code, 1860 (*for short 'the IPC'*) (Sections 307, 364 & 120-B of the IPC added subsequently); Sections 25 & 27 of the Arms Act, 1959, registered at Police Station, Sadar, Amritsar (wrongly mentioned as Majitha, District Police Commissionerate Amritsar in Annexure P-2).

2. Allegations are that petitioner along with other co-accused criminally intimidated the complainant and put his life in danger by firing a gunshot.

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

“Contends inter alia that petitioner is neither named in the FIR; nor any injury has been attributed to him.

Learned State Counsel seeks time to place on record the copy of MLR.

Posted for 19.09.2023.

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.”

4. Learned counsel for the petitioner contends that petitioner was granted interim bail by this Court on 22.08.2023 and he is regularly appearing before learned trial Court. There is no apprehension to the prosecution witnesses or that he is likely to hamper the trial, in any manner. Further contended that there is no other criminal case pending against the petitioner.

5. Learned State Counsel, on instructions, is not able to dispute the above factual position; nor he is opposing the prayer on the premise that petitioner is likely to threaten the prosecution witnesses or he is likely to interfere with the proceedings before learned trial Court.

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

7. 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.

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 and 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.

04.01.2024
atulsethi

(MAHABIR SINGH SINDHU)
JUDGE

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