

232

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

CRM M-36530-2023 (O&M)

Date of Decision: 13.02.2024

Aman

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Vikas Chaudhary, Advocate for
Mr. Gaurav Tyagi, Advocate,
for the petitioner.

Mr. Vikram Singh, AAG, Haryana
assisted by SI Ramesh.

MAHABIR SINGH SINDHU. J.

Present petition has been filed under Section 439 Cr.P.C seeking bail pending trial in FIR No.321 dated 12.04.2023 registered under Sections 392, 394 and 201 IPC (Section 25 of Arms Act added later on), Police Station, Samalkha, District Panipat.

2. Allegations are that petitioner along with his co-accused committed robbery of mobile phones from complainant-Parvesh as well as Rakesh while armed with knife. With the intention of screening themselves, they destroyed SIM cards of snatched mobile phones as well.

3. This Court, on 02.08.2023, granted interim bail to the petitioner in the following order:-

“While making reference to para 4 of the affidavit dated 19.06.2023 (P-2) submitted by complainant (Pravesh), contends inter alia that petitioner has no role in the present case.

Learned counsel for complainant admits the factum of aforesaid affidavit (P-2).

Notice of motion.

On the asking of the Court, Mr. Kiran Pal Singh, AAG Haryana, accepts notice on behalf of respondent-State and seeks time to verify the pendency of other criminal case(s) against the petitioner.

Posted on 04.09.2023.

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.”

4. Learned counsel submits that petitioner was granted interim bail by this Court on 02.08.2023 and since then, he is regularly appearing before the learned trial Court. Also contends that there is no misuse of concession by the petitioner. 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, petitioner has already been granted interim bail by this Court 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 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 02.08.2023, 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 Haryana 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.

13.02.2024
SN

(MAHABIR SINGH SINDHU)
JUDGE

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