

223

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM M-36132-2023 (O&M)
Date of Decision: 31.01.2024

Beant Singh
.....Petitioner

Versus

State of Punjab
.....Respondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. J.S. Brar, Advocate,
for the petitioner.

Mr. Jashanpreet Singh DAG, Punjab
assisted by ASI Sarup Singh.

MAHABIR SINGH SINDHU. J.

Present petition has been filed under Section 439 Cr.P.C seeking bail pending trial in FIR No.13 dated 09.02.2023 registered under Section 379-B (2) IPC (Offence under Sections 411, 201 and 120-B IPC added later on) at Police Station, Maqsudan, District Jalandhar.

2. Petitioner along with his co-accused hatched a conspiracy and snatched gold kara, 3 rings, Rs.70,000/-, purse, Citizen card, bank card, Canadian Visa Card, 1400 Canadian Dollar and two mobile phones of the complainant.

3. This Court, on 01.08.2023, granted interim bail to the petitioner in the following order:-

“Contends that petitioner is not named in the FIR; rather nominated on the basis of disclosure made by co-accused after a period of two weeks of registration of the FIR. Also contends that investigation is already over and challan was presented on

06.04.2023; but charges are yet to be considered. Lastly contends that there is no other criminal case pending against the petitioner. Notice of motion.

On asking of the Court, Mr. Amish Sharma, AAG, Punjab accepts notice on behalf of the respondent.

Learned State Counsel will verify the above factual position.

Posted for 13.09.2023.

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 submits that petitioner was granted interim bail by this Court on 01.08.2023 and since then, he is regularly appearing before the learned trial Court. Also contends that although, charges were framed on 10.08.2023, but out of 22 PWs, none has been examined till date. 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, charges were framed on 10.08.2023 and out of 22 prosecution witnesses, none has been examined so far. Petitioner has already been 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 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 01.08.2023, 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 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. 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.

31.01.2024
SN

(MAHABIR SINGH SINDHU)
JUDGE

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