

216

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

CRM-M-38964-2023 (O&M)

Date of decision : 04.01.2024

Lakhveer Singh @ Rasula

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Lalit Goyal, Advocate,
for the petitioner.

Mr. M.S. Tiwana, AAG, Punjab.

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.5 dated 07.01.2023, under Sections 379-B, 323, 148 read with Section 149 of the Indian Penal Code, 1860 (*for short 'the IPC'*), registered at Police Station Kotbhai, District Sri Muktsar Sahib.

2. Allegations are that the petitioner along with other co-accused attacked the complainant, caused injuries and snatched his bag of parcels as well as an amount of Rs.20,000/-.

3. This Court granted interim bail to the petitioner on 16.08.2023, in the following manner:-

“Contends that challan has already been filed on 27.04.2023 and the charges are yet to be framed. Also contends that there is no other criminal case pending against the petitioner.

Learned counsel for the State seeks time to have instructions in the matter.

Posted on 28.09.2023.

In the meanwhile, petitioner be released on interim bail in the present case till the next date of hearing on furnishing 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 16.08.2023 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.

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

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 16.08.2023, 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.

04.01.2024
atulsethi

(MAHABIR SINGH SINDHU)
JUDGE

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