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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM M-41748-2023 (O&M)
Date of Decision: 14.03.2024

Brij Lal @ BirjuPetitioner

Versus

State of PunjabRespondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Prashant Vashisth, Advocate,
for the petitioner.

Ms. Avneet, AAG, Punjab
assisted by ASI Major Singh.

MAHABIR SINGH SINDHU. J.

Present petition has been filed under Section 439 Cr.P.C seeking bail pending trial in FIR No.09 dated 17.01.2023 registered under Sections 379-B(2), 411 & 201 IPC, at Police Station, Division No.5, Ludhiana Police Commissionerate.

2. Allegations in brief are that stolen mobile phone Redmi was purchased by the petitioner from co-accused Puneet Kumar.

3. Learned counsel submits that petitioner was not named in the FIR. He has been nominated on the basis of disclosure made by co-accused-Puneet Kumar. Further contends that petitioner was granted interim bail by this Court on 28.08.2023 and since then, he is regularly appearing before the learned trial Court.

4. Learned State counsel, upon instructions, has fairly acknowledged the above factual position.

5. Heard learned State counsel and perused the paper book.

6. This Court, on 28.08.2023, granted interim bail to the petitioner in the following order:-

“Learned counsel for the petitioner contends that the petitioner is in custody since 17.01.2023; challan presented on 18.03.2023 and charges are yet to be framed. He also contends that there is no other criminal case pending against the petitioner.

Learned State counsel will verify the above factual position.

Posted for 26.09.2023.

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.”

7. It transpires that petitioner has already been granted interim bail by this Court and he is regularly appearing before the 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 28.08.2023, 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 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 Punjab would be at liberty to move an appropriate application for recalling of this order. Also clarified that non-

appearance of petitioner before learned trial Court shall be construed as misuse of the concession.

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

14.03.2024
SN

(MAHABIR SINGH SINDHU)
JUDGE

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