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

CRM M-43605-2023 (O&M)

Date of Decision: 14.02.2024

Mangal Singh @ Mangat Singh @ Manga and anotherPetitioners

Versus

State of PunjabRespondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Ms. Meena, Advocate for
Mr. Amit Arora, Advocate,
for the petitioners.

Ms. Avneet, AAG, Punjab.
assisted by HC Sukhdev.

MAHABIR SINGH SINDHU. J.

Present petition has been filed under Section 439 Cr.P.C seeking bail pending trial in FIR No.18 dated 20.02.2023 registered under Sections 120-B, 326, 323 & 148 read with Section 149 IPC (Section 307 IPC added later on) at Police Station, Valtaha, District Tarn Taran.

2. Allegations are that petitioners along with co-accused formed an unlawful assembly and in furtherance of their common object caused injuries to complainant-Inderjit Singh.

3. This Court, on 10.10.2023, granted interim bail to the petitioner in the following order:-

“Contends that no injury has been attributed to the petitioners attracting Section 307 IPC. Further contends that after investigation, challan/report under Section 173 Cr.P.C has already been presented and no prosecution witness has been examined till date.

Learned State counsel seeks time to verify the above factual position.

Posted on 28.11.2023.

In the meantime, petitioners be released on interim bail in the present case till the next date of hearing on their furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.”

4. Learned counsel contends that there is delay of 03 days in lodging the FIR. Also contends that no injury has been attributed to the petitioners attracting Section 307 IPC. Further contends that petitioners were granted interim bail by this Court on 10.10.2023 and since then, they are regularly appearing before the learned trial Court. Still further contends that there is no other criminal case pending against the petitioners.

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. Petitioners have already been granted interim bail by this Court and they are regularly appearing before the learned trial Court. There is no allegation that they are likely to misuse the concession of bail or hamper the proceedings in any manner, in case their interim bail is made absolute. Thus sending the petitioners to custody at this stage would not serve any purpose.

8. Consequently, the present petition is allowed. Interim bail granted to the petitioners, vide order dated 10.10.2023, is made absolute. They shall be admitted to bail on furnishing bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

9. Petitioners 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 petitioners, State of Punjab would be at liberty to move an appropriate application for recalling of this order. Also clarified that non-appearance of petitioners 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.

14.02.2024
SN

(MAHABIR SINGH SINDHU)
JUDGE

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