

227(2)

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM M-45467-2023 (O&M)
Date of Decision: 13.02.2024

Avtar Singh @ Nikka

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

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

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

MAHABIR SINGH SINDHU. J.

Present petition has been filed under Section 439 Cr.P.C seeking bail pending trial in FIR No.98 dated 14.09.2022 registered under Sections 379-B (2) & 506 read with Section 34 IPC, Police Station, Dehlon, District Ludhiana.

2. Allegations are that petitioner along with his co-accused snatched mobile phone(s) and silver bracelet of the complainant.

3. This Court, on 07.02.2024, granted interim bail to the petitioner in the following order:-

“Status report dated 07.02.2024 by way of affidavit of Sh. Gur Iqbal Singh, PPS, ACP (South) Ludhiana filed on behalf of respondent-State is taken on record.

Registry to tag the same at appropriate place.

Copy supplied to the other side.

Learned counsel for petitioner contends that co-accused Joginder Singh @ Jaggi has already been granted

the concession of interim bail pending trial by this Court vide order dated 27.07.2023 passed in CRM-M-29153-2023.

Also contends that there is no other criminal case pending against the petitioner.

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

Posted for 13.02.2024.

***Till the next date of hearing,** petitioner is ordered to be released on interim bail in this case on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.*

*To be heard along with **CRM-M-29153-2023.***

4. Learned counsel submits that petitioner was granted interim bail by this Court on 07.02.2024 and since then, he is regularly appearing before the learned trial Court. Also contends that there is no misuse of concession by 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 07.02.2024, 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 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.

13.02.2024
SN

(MAHABIR SINGH SINDHU)
JUDGE

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