

222

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

CRM-M-45687-2023 (O&M)

Date of decision : 26.02.2024

Rajinder Singh

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Harsh Chopra, Advocate,
for the petitioner.

Ms. Manjot Kaur, 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.54 dated 05.05.2023, under Section 306 of the Indian Penal Code, 1860 (*for short 'the IPC'*), registered at Police Station, Anandpur Sahib, District Rupnagar.

2. Allegations are that petitioner along with other co-accused abetted Kewal Singh, father of the complainant, to commit suicide by consuming poison.

3. This Court granted interim bail to the petitioner on 03.11.2023, in the following manner:-

“Contends that the petitioner is in custody since 06.05.2023. After investigation, report under Section 173 Cr.P.C. has already been submitted. Also contends that co-accused, namely, Surjeet Kaur has already been granted concession of bail pending trial by

learned trial Court (P-3). Still further submits that there is no other criminal case pending against the petitioner as on today.

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

Posted on 19.12.2023.

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 for the petitioner contends that petitioner was granted interim bail by this Court on 03.11.2023 and he is regularly appearing before learned trial Court. There is no apprehension that petitioner is likely to influence the prosecution witnesses or hamper the trial, in any manner. Further contends that charges were framed on 08.09.2023, but out of 13 prosecution witnesses, none has been examined till date.

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. Moreover, charges in this case were framed on 08.09.2023; but out of 13 prosecution witnesses,

none has been examined so far; therefore, trial is likely to take sufficient long time.

8. Consequently, present petition is allowed. Interim bail granted to the petitioner, vide order dated 03.11.2023, 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.

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

26.02.2024
atulsethi

(MAHABIR SINGH SINDHU)
JUDGE

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