

220 (2nd case)**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH****CRM M-46443-2023 (O&M)****Date of Decision: 18.03.2024**

Jashanpreet Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Vikas Gupta, Advocate,
for the petitioner.

Mr. Neeraj Madaan, Sr. DAG, Punjab.

MAHABIR SINGH SINDHU. J.

Present petition has been filed under Section 439 Cr.P.C seeking bail pending trial in FIR No.63 dated 03.04.2023 registered under Sections 458, 397, 342 & 323 IPC and Sections 25 & 27 of Arms Act, 1959, at Police Station, Jandiala, District Amritsar Rural.

2. Allegations in brief are that petitioner along with co-accused after scaling the wall, entered into the factory of complainant and gave him beatings. Also alleged that at the gun point, they committed robbery of Rs.4,95,000/-, gold jewellery and mobile phones.

3. Learned counsel submits that petitioner was not named in the FIR; rather nominated on the basis of disclosure made by co-accused-Akashdeep Singh. Further submits that in pursuance of above order, petitioner was released on interim bail 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 counsel for the parties and perused the paper book.
6. This Court, on 03.11.2023, granted interim bail to the petitioner in the following order:-

“Contends that petitioner is in custody since 06.04.2023. After investigation, challan has already been presented. Also contends 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 for 20.12.2023.

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.”

In pursuance of the above order, petitioner 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.

7. Consequently, the 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.
8. Petitioner shall fully co-operate with the learned trial Court without seeking any unnecessary adjournment(s).
9. The above observations be not construed as an expression of opinion on the merits of the case.

10. 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.

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

18.03.2024
SN

(MAHABIR SINGH SINDHU)
JUDGE

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