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

CRM-M-47042-2023 (O&M)

Date of decision : 16.04.2024

Balwinder Kumar

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

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

Ms. Manjot Kaur, AAG, Punjab,
assisted by ASI Gurdial Hira.

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(s) in FIR No.68 dated 25.06.2023, under Sections 323, 452 & 506 read with Section 34 (Section 307 added subsequently) of the Indian Penal Code, 1860, registered at Police Station Jalandhar Cantt., District Jalandhar.

2. Allegations are that petitioner along with other co-accused attacked the informant and caused injuries to him with sharp-edged weapons.

3. Learned counsel for the petitioner contends that petitioner was granted interim bail by this Court on 23.11.2023 and he is regularly appearing before learned Court concerned. There is no

apprehension that petitioner is likely to influence the prosecution witnesses or hamper the trial, in any manner.

4. Learned State Counsel, on instructions, has fairly acknowledged the above factual position.

5. Heard learned counsel for both the sides and perused the paper book.

6. It is a matter of record that petitioner was granted interim bail by this Court on 23.11.2023 and the order reads as under:-

“Contends inter alia that petitioner is in custody since 25.06.2023; after investigation, report under Section 173 of the Cr.P.C. has already been submitted on 08.09.2023; and this is a case of no injury.

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

Posted for 07.02.2024.

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 is acknowledged by learned State counsel that in terms of the aforesaid order, petitioner was released on interim bail and he is regularly appearing before learned Court concerned; 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; and after submission of final report under Section 173 Cr.P.C., the matter is now pending for consideration of charges; hence, trial is likely to take

sufficient long time and as such, sending the petitioner to custody at this stage would not serve any purpose.

8. Consequently, present petition is allowed. Interim bail granted to the petitioner, vide order dated 23.11.2023, is made absolute. Petitioner 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 of hearing and to 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.

16.04.2024
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(MAHABIR SINGH SINDHU)
JUDGE

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