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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM M-51787-2023 (O&M)
Date of Decision: 25.01.2024

Sarthik Masih @ Kunal

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Sandeep Arora, Advocate,
for the petitioner.

Mr. Joginder Pal Ratra, 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.114 dated 26.06.2023 registered under Sections 379 & 411 IPC and Section 25 of Arms Act, 1959 at Police Station, GRP Ludhiana, District Govt. Railway Police.

2. On secret information, a raid was conducted and petitioner was found in possession of a button actuated knife & four stolen mobile phones.
3. This Court, on 16.11.2023, granted interim bail to the petitioner in the following order:-

“Contends that petitioner is in custody since 26.06.2023. Charges were framed on 30.09.2023 and out of total 19 prosecution witnesses, only 01 has been examined till date.

Notice of motion.

On asking of the Court, Mr. Jaiteshwar S. Bhandari, AAG, Punjab accepts notice on behalf of the respondent and seeks time to have instructions regarding pendency of other criminal cases against the petitioner.

Posted for 25.01.2024.

In the meanwhile, petitioner is ordered to be released on interim bail in the present case till the next date of hearing on his furnishing adequate bail and surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.”

4. Learned counsel submits that petitioner was granted interim bail by this Court on 16.11.2023 and since then, he is regularly appearing before the learned trial Court. Out of 19 prosecution witnesses, only 01 has been examined so far.

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, charges were framed on 30.09.2023 and out of 19 prosecution witnesses, one has been examined so far. Petitioner has already been 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 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 16.11.2023, 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 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. 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.

25.01.2024
SN

(MAHABIR SINGH SINDHU)
JUDGE

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