



215 (2)

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH****CRM M-55283-2023 (O&M)****Date of Decision: 08.05.2024**

Prince @ Bachhi

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Ms. Mandeep Kaur, Advocate for
Mr. C.S. Rana, Advocate,
for the petitioner.

Ms. Avneet, AAG, Punjab.

MAHABIR SINGH SINDHU. J.

Present petition has been filed under Section 439 Cr.P.C seeking bail pending trial in FIR No.454 dated 10.11.2022 registered under Sections 307, 336, 120-B IPC and Sections 25, and 27 of Arms Act, 1959, at Police Station, Zirakpur, SAS Nagar, District Mohali.

2. As per allegations, petitioner and his co-accused Yuvraj Kumar @ Yuvi, Vicky, Malik and Jagvir Singh descended on the scene; petitioner and his co-accused Vicky, Malik and Jagvir Singh fired shots at the informant, however, the bullet did not hit him; thereafter, accused fled away from the spot.

3. Learned counsel contends that this is a case of 'no injury'. Also contends that in pursuance of order dated 20.02.2024, 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 that petitioner is regularly appearing before learned trial Court and there is no



misuse of the concession already granted to him; nor there is any apprehension that he is likely to hamper the trial in any manner.

5. Heard learned counsel for the parties and perused the paper book.

6. This Court, on 20.02.2024, granted interim bail to the petitioner and the order reads as under:-

“Contends that this is a no injury case and co-accused Yuvraj Kumar @ Yuvi has already been granted the concession of interim bail pending trial by this Court on 09.08.2023.

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

Posted for 08.05.2024.

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

7. In pursuance of the aforesaid 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.

8. Consequently, the present petition is allowed. Interim bail granted to the petitioner, vide order dated 20.02.2024, is made absolute. He shall be admitted to bail on furnishing bail/surety bonds to the satisfaction of learned Special 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 learned trial Court shall be construed as misuse of the concession.

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

08.05.2024
SN

(MAHABIR SINGH SINDHU)
JUDGE

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