

227 (2nd case)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.54936 of 2023 (O&M)
Date of Decision: 04.03.2024

Sukhbir Singh and another

..... Petitioners

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Prateek Pandit, Advocate for the petitioners.

Mr. Neeraj Madan, Sr. DAG, Punjab for the respondent.

Mr. Dheeraj Kumar, Advocate for the complainant.

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 petitioners in FIR No.172 dated 10.07.2023, under Section 395 of the Indian Penal Code, 1860 (Section 392 IPC deleted and Section 395 IPC added later on), registered at Police Station Kotwali, District Kapurthala.

(2) Above FIR was registered on the basis of complaint made by Hardeep Singh Dhot with the allegations that he is owner of one Petrol Pump, situated at Village Bahui. On 10.07.2023 around 02:45 AM, his employee- Jeewan Kumar gave him a call that around 02:30 AM, four boys, who had muffled faces and out of them, one was armed with *Datar*, came on motorcycle, make Hero Splendor without registration number. Then two boys

showed him as well as another employee Harmanpreet Singh their *datar* and one of them went to the Sales Room and took Rs.38,800/- from the Cash Box and then, all of them fled away towards Sultanpur side.

(3) This Court, on 14.12.2023, granted interim bail to the petitioners in following manner:-

“Contends that petitioners are in custody since 10.07.2023; and charges were framed on 18.10.2023, but no prosecution witness has been examined so far. Also contends that petitioners are not involved in any other case(s).

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

Posted for 13.02.2024.

In the meanwhile, petitioners 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/CJM/Duty Magistrate concerned.”

(4) Learned Counsel for the petitioners contends that in compliance of aforesaid order, petitioners are regularly appearing before the Court below and there is no apprehension or allegation that they are likely to misuse the concession of bail in any manner. Also contends that matter has been amicably settled between the parties at their own level and quashing petition (CRM-M No.9357 of 2024) on the basis of compromise is already pending before this Court.

(5) Learned Counsel for the complainant has acknowledged the above factual position; but learned State Counsel, on instructions from A.S.I. Ashok Kumar Singh, is not aware about the same.

(6) Be that as it may, since learned Counsel for the complainant is not opposing the prayer and it is not the objection of learned State Counsel that

petitioners have misused the concession of interim bail in any manner; thus, in such a scenario, sending them in custody at this stage would not serve any purpose.

(7) Consequently, the present petition is allowed. Interim bail granted to the petitioners, vide order dated 14.12.2023, is made absolute. They shall be admitted to bail on their furnishing bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(8) Petitioners shall fully co-operate with the learned trial Court without seeking any unnecessary adjournments.

(9) The above observations may not be 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 petitioners, State would be at liberty to move an appropriate application for recalling of this order.

(11) Disposed off accordingly.

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

4th March, 2024
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

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