



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

CRM-M-56067-2023 (O&M)
Date of decision: 07.05.2024

Gurwinder Singh @ Binder @ Gurbinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: None for the petitioner.

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

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 in FIR No.66 dated 07.08.2023, under Sections 379-B & 411 of the Indian Penal Code, 1860, registered at Police Station Daresi, District Police Commissionerate, Ludhiana.

(2) Above FIR was registered on the basis of complaint made by Kamalpreet Singh with the allegations that petitioner snatched his mobile phone.

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(3) This Court, on 13.02.2024, granted interim bail to the petitioner in following manner:-

“Contends inter alia that petitioner is in custody since 07.08.2023. After investigation, report under Section 173 Cr. P.C. was submitted on 27.08.2023 and charges have been framed on 12.10.2023. Also contends that out 11 PWs, only 06 PWs have been examined till date.

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

Posted for 02.04.2024.

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

(4) Learned State Counsel on instructions acknowledged that in compliance of aforesaid order, petitioner is regularly appearing before learned trial Court and there is no apprehension or allegation that he is likely to misuse the concession of bail in any manner. Also submits that as on today, entire prosecution evidence is over and now the case is pending for recording the statement of accused under Section 313 Cr.P.C.

(5) Heard learned State Counsel and perused the paper-book.

(6) It is not in dispute that petitioner was granted interim bail and he is regularly appearing before learned trial Court. There is no allegation that in case he is granted bail pending trial, he will misuse the concession in any manner; thus, in such a scenario, sending him in custody at this stage would not serve any purpose.

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- (7) Consequently, the present petition is allowed. Interim bail granted to the petitioner, vide order dated 13.02.2024, 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.
- (8) Petitioner 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 petitioner, 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.

7th May, 2024
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

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