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

CRM M-56419-2023 (O&M)

Date of Decision: 20.01.2024

Jatinder Kumar @ Patwari

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Japjit Singh Johal, 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.11 dated 07.02.2018 registered under Section 379-B IPC at Police Station, Sadar, Hoshiarpur.

2. Allegations are that petitioner along with co-accused snatched the bag containing Rs.4.5 lakh of complainant Vivek Kumar Sharma.

3. This Court, on 15.11.2023, granted interim bail to the petitioner in the following order:-

“Contends that co-accused namely Kamalpreet Singh @ Kamal and Naresh Kumar @ Chann have already acquitted by learned trial Court vide judgment dated 13.01.2020. Further contends that petitioner is in custody since 14.07.2023 and after investigation, report under Section 173 Cr.P.C was presented on 13.09.2023.

Also submits that out of 23 witnesses, none have been examined and now, the trial is fixed for 16.11.2023.

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

Posted on 17.01.2024.

In the meantime, petitioner is ordered to be released on interim bail in the present case till the next date of hearing on furnishing bail bonds 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 15.11.2023 and since then, he is regularly appearing before the learned trial Court. Also contends that out of 23 prosecution witnesses, none has been examined till date. Lastly submitted that there is no other criminal case pending against the petitioner.

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, report under Section 173 Cr.P.C was presented on 13.09.2023; till date, charges have not been considered by the Court of competent jurisdiction. 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 in 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 15.11.2023, 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.

20.01.2024
SN

(MAHABIR SINGH SINDHU)
JUDGE

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