

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M No.56636 of 2023 (O&M)  
Date of Decision: 06.02.2024

Sukhpreet Singh @ Sukha

..... Petitioner

*Versus*

State of Punjab

..... Respondent

**CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**

Present:- Mr. Malkiat S. Hundal, Advocate for the petitioner.

Mr. M.S.Tiwana, AAG, Punjab for the respondent.

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**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.189 dated 21.07.2023, under Section 379-B (2) read with Section 511 of the Indian Penal Code, 1860, registered at Police Station, Jandiala, District Amritsar.

(2) Above FIR was registered on the basis of statement made by complainant-Bhupinder Singh with the allegations that petitioner along with three other co-accused came on a motorcycle bearing registration No.PB-02-EG-1083 and stopped their vehicle. They started pushing the complainant and one of them took away his mobile phone. When complainant shouted, one of the assailants inflicted injuries with the help of *Kirch* on his forehead.

Thereafter, petitioner, armed with *Kirch*, along with co-accused Paramjit Singh @ Pamma were apprehended, with the help of passerby.

(3) This Court, on 16.11.2023, granted interim bail to the petitioner in following manner:-

*“Contends that petitioner is in custody since 21.07.2023. After investigation, challan was presented on 18.10.2023. Also contends that there is no other criminal case pending against the petitioner.*

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

*Posted on 22.01.2024.*

*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 for the petitioner contends that in compliance of aforesaid order, petitioner is regularly appearing before the Court below and there is no apprehension or allegation that he is likely to misuse the concession of bail in any manner.

(5) Learned State Counsel, on instructions, has acknowledged the above factual position.

(6) Heard both sides and perused the paper-book.

(7) 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.

(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 adjournments.

(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 petitioner, State would be at liberty to move an appropriate application for recalling of this order.

(12) Disposed off accordingly.

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

6<sup>th</sup> February, 2024  
Gagan

( MAHABIR SINGH SINDHU )  
JUDGE

|                           |        |
|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether Reportable        | Yes/No |