

250 (1st case)

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

**CRM-M No.57545 of 2023 (O&M)
Date of decision : 06.02.2024**

Sandeep Singh @ Sajan

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Prince Sharma, Advocate for the petitioner.

Mr. M.S.Tiwana, AAG, 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.67 dated 19.06.2023, under Sections 307, 341, 506, 148 read with Section 149 of the Indian Penal Code, 1860 (Sections 326 & 201, IPC added later on), registered at Police Station, Valtoha, Tehsil Patti, District Tarn Taran, Punjab.

(2) Above case was registered on the basis of statement made by complainant-Sukhdev Singh with the allegations that petitioner along with other co-accused gave kirch blows continuously on back of Gurbhej Singh @

Lali @ Komal with the intention to kill him and ran away from the place of occurrence.

(3) This Court, on 21.11.2023, granted interim bail to the petitioner and order reads as under:-

“Contends that petitioner is in custody since 27.06.2023. After investigation, report under Section 173 Cr.P.C. has already been presented on 22.09.2023. Also contends that bare perusal of the FIR does attract injury under Section 307 of the IPC. Further contends that there is no other criminal case pending against the petitioner.

Learned State counsel seeks time to have instructions in the matter.

Posted for 11.01.2024.

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) Keeping in view the facts that petitioner is fully cooperating before the Court below and 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 21.11.2023, 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.

6th February, 2024
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>