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

CRM M-60021-2023 (O&M)

Date of Decision: 26.02.2024

Parkash Singh @ Praga

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Harmanpreet Singh, Advocate,
for the petitioner.

Ms. Manjot Kaur, AAG, Punjab
assisted by ASI Sukhwant Singh.

MAHABIR SINGH SINDHU. J.

Present petition has been filed under Section 439 Cr.P.C seeking bail pending trial in FIR No.09 dated 11.01.2020, registered under Sections 457 & 380 IPC, at Police Station, Kamboj, District Amritsar Rural.

2. Allegations in brief are that petitioner along with co-accused Nishan Singh @ Pithu, Akashdeep Singh & Simarjit Singh @ Simar has stolen mobile phone of the complainant.

3. Learned counsel submits that after investigation, challan/report under Section 173 of Code of Criminal Procedure, 1973 has been presented and charges were framed on 10.01.2024; but out of 10 prosecution witnesses, none has been examined so far. Also submits that petitioner was granted interim bail by this Court on 05.12.2023 and since then, he is regularly appearing before the learned trial Court. Further submits that there is no misuse of concession by the petitioner. Still further submits that there is no other case pending against the petitioner.

4. Learned State counsel, upon instructions, has fairly acknowledged the above factual position.

5. Heard learned State counsel and perused the paper book.

6. This Court, on 05.12.2023, granted interim bail to the petitioner in the following order:-

“Learned counsel for the petitioner, inter alia, contends that petitioner is in custody since 18.07.2023 and for the last five occasions, he is not being produced before learned trial Court by the jail authorities.

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

Posted for 26.02.2024.

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 and surety bonds subject to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.”

7. It transpires that petitioner has already been granted interim bail by this Court and he is regularly appearing before the learned trial Court. 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 to 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 05.12.2023, is made absolute. He shall be admitted to bail on 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 be not 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 learned trial Court shall be construed as misuse of the concession.

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

26.02.2024
SN

(MAHABIR SINGH SINDHU)
JUDGE

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