

229(2)

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH****CRM M-59551-2023 (O&M)****Date of Decision: 26.02.2024**

Kunal

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

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

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

MAHABIR SINGH SINDHU. J.

Present petition has been filed under Section 439 Cr.P.C seeking bail pending trial in FIR No.114 dated 03.08.2023 registered under Sections 307, 324, 326, 341 & 506 read with Section 34 IPC (Sections 326 and 341 IPC added later on), at Police Station, Lalru, District SAS Nagar (Mohali).

2. Allegations in brief are that petitioner and co-accused Akshit Sharma, Paras & Nilu, in furtherance of their common intention, caused injuries to complainant-Mandeep Singh and his friend Sahil.

3. Learned counsel submits that after investigation, challan/report under Section 173 of Code of Criminal Procedure, 1973 was presented on 22.09.2023, but charges are yet to be framed. Further submits that petitioner was granted interim bail by this Court on 14.12.2023 and since then, he is regularly appearing before the learned trial Court. Also contends that there is no misuse of concession by the petitioner. Further contends that there is no other criminal 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 14.12.2023, granted interim bail to the petitioner in the following order:-

“Learned counsel for petitioner contends that he is in custody since 04.08.2023 and after investigation, challan/report under Section 173 Cr.P.C has already been submitted before the Court of competent jurisdiction.

Also submits that there is no other criminal case pending against the petitioner.

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

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In the meantime, petitioner is ordered to be released on interim bail in this case on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/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 14.12.2023, 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