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

CRM M-59619-2023 (O&M)

Date of Decision: 26.02.2024

Ranjeet Singh @ Kaka

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Munish Puri, Advocate,
for the petitioner.

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

Mr. Lalit Singla, Advocate,
for the complainant.

MAHABIR SINGH SINDHU. J.

Present petition has been filed under Section 439 Cr.P.C seeking bail pending trial in FIR No.95 dated 12.07.2023 registered under Sections 324, 323, 341 and 148 read with Section 149 IPC (Sections 307, 452 and 326 IPC added later on), at Police Station, Division No.2, District Pathankot.

2. Allegations in brief are that on 11.07.2023 at about 5.30 p.m., petitioner and co-accused Akashdeep Singh @ Prince, Harpreet Singh, Harbhajan Singh, Nitin, Sahil Bhardwaj, Ashwani Kumar, Gurvinder Singh @ Sahib, Davinder Singh @ Bittu, Surjit Singh, Bhupinder Singh Bajwa, Daljit Singh, Kaka, Harjinder Kaur and Jasvir Kaur formed an unlawful assembly and in prosecution of common object of said assembly, caused injuries to complainant-Sarabjit Singh @ Jagga and his family members.

3. Learned counsel submits that it is a version and cross-version case.

Also contends that after investigation, challan/report under Section 173 of Code

of Criminal Procedure, 1973 was presented on 27.12.2023, but charges are yet to be framed. Further submits that petitioner was granted interim bail by this Court on 24.01.2024 and since then, he is regularly appearing before the learned trial Court. Also contends that there is no misuse of concession by 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 24.01.2024, granted interim bail to the petitioner in the following order:-

“Contends that it is a version & cross-version and six co-accused have already been granted the concession of pre-arrest bail by this Court. Also contends that report under Section 173 Cr.P.C. has already been submitted, but charges are yet to be considered.

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

Posted for 26.02.2024.

In the meanwhile, petitioner be released on interim bail in the present case till the next date of hearing on his furnishing adequate 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 24.01.2024, 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