



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

CRM-M-62348-2023 (O&M)
Date of decision: 24.07.2024

Jatinder Singh @ Cheena

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Amandeep Singh Manaise, Advocate for the petitioner.

Mr. Brijesh, Assistant Advocate General, 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 cross-case bearing G.D. No.36 dated 12.07.2023, under Sections 324, 323, 148 read with Section 149 of the Indian Penal Code, 1860 (*for short 'IPC'*) [Sections 307 & 325 IPC added later on], recorded in FIR No.95 dated 12.07.2023, under Sections 307, 452, 326, 324, 323, 341, 148 read with Section 149 IPC, registered at Police Station Division No.2, District Pathankot.

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(2) Above G.D. was registered on the basis of complaint made by Ranjit Singh with the allegations that petitioner along with his co-accused caused multiple injuries to his sons as well as wife with sharp edged weapons, including *datar*.

(3) This Court, on 24.01.2024, granted interim bail to the petitioner in following manner:-

“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.

Notice of motion.

Mr. M.S.Tiwana, AAG, Punjab, accepts notice on behalf of the respondent-State and 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.”

(4) Learned Counsel for the petitioner contends that in compliance of aforesaid order, petitioner is regularly appearing before learned trial Court 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.

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- (6) Heard learned Counsel for the parties 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 24.01.2024, 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.
- Pending application(s), if any, shall also stand disposed off.

24th July, 2024
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	Yes