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

CRM-M-62635-2023 (O&M)

Date of decision : 18.11.2024

Harmesh Singh @ Mahesha

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Kanwal Goyal, Advocate for the petitioner.

Ms. Neha Sonawane, DAG, Punjab.

Mr. Vikram Satpal Anand, Advocate for the complainant.

MAHABIR SINGH SINDHU, J.

Present second 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.220 dated 11.12.2022, under Sections 307, 506, 323 read with Section 34 of the Indian Penal Code, 1860; Section 27 of the Arms Act, 1959, registered at Police Station Sadar, Sri Muktsar Sahib, Punjab.

2. Allegations are that petitioner along with other co-accused quarrelled with the complainant party and with an intention to kill, fired a gunshot, which hit Gurlal Singh in the abdomen.

3. Learned counsel for the petitioner contends that petitioner was granted interim bail by this Court on 16.02.2024 and he is regularly appearing before learned trial Court. There is no apprehension



that petitioner is likely to influence the prosecution witnesses or hamper the trial, in any manner.

4. Learned State Counsel, on instructions, has fairly acknowledged the above factual position.

5. Learned counsel for the complainant has also stated that there is no misuse of interim concession by the petitioner.

6. Heard learned counsel for both the sides and perused the paper book.

7. It is a matter of record that petitioner was granted interim bail by this Court on 16.02.2024 and the order reads as under:-

“Contends that petitioner is in custody since 14.12.2022; charges were framed on 09.05.2023, but out of 25 prosecution witnesses, only 01 has been partly examined till date. Further contends that trial is being delayed on the premise that application under Section 319 Cr.P.C. at the instance of complainant-Gursewak Singh is pending for consideration. Also contends that there is no other criminal case pending against the petitioner.

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

Posted for 09.04.2024.

In the meanwhile, petitioner be released on interim bail in the present case till the next date of hearing on furnishing adequate bail and surety bonds subject to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.”

8. It is acknowledged by learned State counsel that in terms of the aforesaid order, petitioner was released on interim bail and he is regularly appearing before learned trial Court; there is no allegation that he is likely to misuse the concession of bail or hamper the proceedings in case his interim bail is made absolute; and as such,



sending the petitioner to custody at this stage would not serve any purpose.

9. Consequently, present petition is allowed. Interim bail granted to the petitioner, vide order dated 16.02.2024, is made absolute. Petitioner shall be admitted to bail on furnishing bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

10. Petitioner shall appear on each & every date of hearing and to fully co-operate with the learned trial Court without seeking any unnecessary adjournment(s).

11. Above observations be not construed as an expression of opinion on merits of case, in any manner.

12. 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.

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

18.11.2024
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(MAHABIR SINGH SINDHU)
JUDGE

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