

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-63822-2023 (O&M)
Date of decision : 28.02.2024

Sunil Kumar ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. S.S. Cheema, Advocate for
Mr. Saurav Bhatia, Advocate
for the petitioner.

Ms. Manjot Kaur, AAG., Punjab.

Mr. Kuljinder Singh Billing, Advocate
for the complainant.

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 FIR No.21 dated 12.03.2023, under Sections 379-B, 427, 341 of Indian Penal Code, 1860 (Section 120-B of Indian Penal Code added later on), registered at Police Station, Nihal Singh Wala, District Moga.

2. Allegations are that petitioner along with other co-accused accompanying in the car make-Fortuner waylaid the vehicle of complainant; forcibly snatched gold and other valuable items from complainant and his relatives and fled from the spot.
3. Learned counsel for the petitioner contends that matter is amicably settled between petitioner and complainant. Also contends that he is regularly appearing before learned trial Court and there is no allegation that petitioner is likely to misuse the concession of bail or hamper the proceedings in any manner.

4. Learned State Counsel, on instructions, has apprised the Court that petitioner is appearing before learned trial Court and trial is pending for 05.03.2024.

5. Learned counsel for the complainant on instructions acknowledged that matter has been amicably settled between petitioner and complainant.

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

7. This Court, granted interim bail to the petitioner on 05.01.2024, in the following manner:-

“Learned counsel for petitioner contends that there are chances of some amicably settlement between the parties.

Learned counsel for complainant and victims are also not averse to the above contention.

Posted for 27.02.2024.

Till the next date of hearing, petitioner is order 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.”

8. Learned State counsel duly acknowledged that after passing of the aforesaid order, petitioner is regularly appearing before learned trial Court and there is no allegation that in case, interim bail is made absolute, he is likely to misuse the concession or hamper proceedings in any manner. In such a scenario, sending petitioner to custody at this stage would not serve any purpose.

9. In view of above, but without going into legality and validity of the compromise, present petition is allowed. Interim bail granted to the petitioner, vide order dated 05.01.2024, 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.

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. The above observations may not be construed as an expression of opinion on the merits of the case.
12. It is clarified that in case there is any misuse of concession by the petitioner, State of Punjab would be at liberty to move an appropriate application for recalling of this order.
13. Pending application(s), if any, shall also stand disposed off.

28.02.2024
Harish Kumar

(MAHABIR SINGH SINDHU)
JUDGE

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