

2025.PHHC.011650



216 (1st case)

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

**CRM-M-14757-2024 (O&M)
Date of decision: 27.01.2025**

Fateh Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: None for the petitioner.

Ms. Avneet, AAG, Punjab for the respondent.

MAHABIR SINGH SINDHU, J.

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.128 dated 05.06.2023, under Sections 307, 341, 506 of the Indian Penal Code, 1860; Sections 25 & 27 of the Arms Act, 1959, registered at Police Station City Sunam, District Sangrur.

(2) Above FIR was got registered on the basis of statement made by complainant-Rakesh Kumar with the allegations that three unknown persons encircled him and two of them started scuffling with him. Complainant took out his mobile and tried dialing some number, thereafter, third person fired a shot at him, which hit his right thigh.

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(3) Learned State Counsel, on instructions from quarter concerned, has fairly acknowledged that petitioner was arrested in the present case on 12.06.2023 and after remaining in custody for about 01 year and 05 months, was granted interim bail by this Court on 21.11.2024. Further submits that in pursuance of the aforesaid order, he is regularly appearing before learned trial Court. Also submits that petitioner has never misused the interim concession; nor there is allegation that he is likely to misuse the concession or hamper the proceedings in any manner. Lastly submits that charges were framed on 22.07.2024; but out of total 20 prosecution witnesses, only 01 has been examined till date.

(4) Heard learned State Counsel and perused the paper-book.

(5) This Court, on 21.11.2024, granted interim bail to the petitioner in following manner:-

“While making reference to Para No.4 of the affidavit dated 12.11.2024, contends that both the injuries allegedly inflicted to victim-Rakesh Kumar are simple in nature.

Learned State counsel seeks time to have instructions about the pendency of other criminal cases against petitioner.

Posted for 27.01.2025.

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.”

(6) Learned State Counsel has duly acknowledged that petitioner is regularly appearing before learned trial Court and there is no allegation that

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in case interim bail is made absolute, he is likely to misuse the concession or hamper the proceedings in any manner. In such a scenario, sending the petitioner to custody at this stage would not serve any purpose.

(7) Consequently, present petition is allowed. Interim bail granted to the petitioner, vide order dated 21.11.2024, 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.

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

(9) The above observations be not construed as an expression of opinion on the merits of the case.

(10) 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.

(11) Disposed off accordingly.

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

27th January, 2025
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

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