



CRM-M-29028-2024

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

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CRM-M-29028-2024 (O&M)

Date of Decision: 19.03.2025

Sourav Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**Present:** Mr. Prabhjot Singh, Advocate for the petitioner.

Mr. S.S.Chahal, AAG, Punjab.

MAHABIR SINGH SINDHU, J.

Present third petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.') for grant of bail pending trial to the petitioner in FIR No.0107 dated 14.09.2023, under Sections 452, 324, 323, 506, 427 and 148 read with Section 149 of the Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station Urban Estate, Patiala.

2. Short reply by way of affidavit dated 18.03.2025 of Mr. Manoj Gors, PPS, Deputy Superintendent of Police, City-II, District Patiala on behalf of respondent has been filed and the same is taken on record. Copy supplied to the other side.

Registry to tag the same at appropriate place.

3. Allegations are that petitioner along with co-accused in prosecution of their common object attacked the complainant party with deadly weapons, caused injuries to kill them and also criminally intimidated



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with dire consequences of life.

4. Contends that petitioner was arrested in the present case on 17.10.2023 and after remaining in custody for about 11 months, he was granted interim bail by this Court on 16.09.2024. Further contends that in pursuance of the aforesaid order, he is regularly appearing before learned trial Court and there has been no progress of trial. Lastly contends that there is no allegation that petitioner is likely to misuse the concession and/or hamper the proceedings in any manner, in case released on bail.

5. *Per contra*, learned State Counsel, on instructions from quarter concerned, has fairly acknowledged the above factual position and submits that petitioner is regularly appearing before learned trial Court. He also acknowledged that petitioner has not misused the concession of interim bail in any manner.

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

7. This Court granted interim bail to the petitioner on 16.09.2024 and order reads as under:-

“Contends that petitioner is in custody since 19.10.2023; after investigation, report under Section 173 Cr.P.C. was presented on 14.05.2024; but charges are yet to be considered. Also contends that one of the co-accused, namely, Maninder Singh @ Bunt Kohli, is yet to be arrested.

Learned State counsel will find out the status of aforesaid accused.

Posted for 21.11.2024.

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. Learned State counsel has duly acknowledged that 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

and/or hamper the proceedings in any manner. Petitioner remained in

custody for 11 months before granting interim bail and there is no progress of trial, therefore, in such a scenario, 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 16.09.2024, 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 learned trial Court without seeking any unnecessary adjournment(s).

11. The above observations be not 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 would be at liberty to move an appropriate application for recalling of this order.

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

19.03.2025

Rajeev (rvs)

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No