



CRM-M-56825-2024

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

214/2

CRM-M-56825-2024 (O&M)

Date of Decision: 19.03.2025

Uttam Singh @ Happy

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**Present:** Mr. H.S.Randhawa, Advocate for the petitioner.

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

MAHABIR SINGH SINDHU, J.

Present second petition has been filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of bail pending trial to the petitioner in FIR No.107 dated 14.09.2023, under Sections 307, 452, 326, 324, 323, 427, 506, 201 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



with dire consequences of life.

4. Contends that petitioner was arrested in the present case on 17.03.2024 and after remaining in custody for about 08 months, he was granted interim bail by this Court on 21.11.2024. 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 21.11.2024 and order reads as under:-

“Learned State counsel seeks time to file short affidavit regarding complicity of the petitioner.

Posted for 28.01.2025.

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.

To be heard along with CRM-M-29028-2024. ”

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 08 months before granting interim bail and there is no progress

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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 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.

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/No

Whether reportable

Yes/No