

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

**CRL. MISC. No.M-31603 OF 2016 (O&M)
DATE OF DECISION : 26th APRIL, 2017**

Vijay

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE A. B. CHAUDHARI

* * * *

Present : Mr. A. S. Barnala, Advocate for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

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A. B. CHAUDHARI, J. (ORAL)

The petitioner has filed the present petition under Section 439 Cr.P.C. seeking regular bail in FIR No.972 dated 19.12.2015 registered under Sections 379, 285, 427 IPC and 25/54/59 of Arms Act and Sections 15 and 16 of the Petroleum Pipeline Act 1965 and Section 3 & 4 of the Explosive Act 1908 & Section 3 and 4 of the Prevention of Damage to Public Property Act at Police Station Model Town, District Panipat.

Heard learned counsel for the rival parties.

Reply by way of affidavit of Sh. Bali Singh, HPS, Deputy Superintendent of Police, Panipat, filed by the State is taken on record.

In the present case the petitioner was arrested on 01.01.2016 and since then he is in jail.

Learned State counsel submits that perusal of the affidavit filed today in Court, clearly shows that the petitioner is a habitual offender and rather he was convicted in FIR No.126 dated 27.06.2009,

PS Israna Panipat; FIR No.256 dated 02.06.2010; FIR No.350 dated 03.08.2010 both registered at PS Model Town, Panipat which are all of same nature. Another FIR No.429 dated 22.10.2015 at PS Matlauda, Panipat is pending against him.

Insofar as the present case is concerned the petitioner is in jail since 01.01.2016 and the challan has been filed. The trial will take its own time. Looking to the award of sentence made earlier and the time the trial would take, subject to the petitioner filing undertaking on affidavit before the trial Court not to indulge in similar offence, I think the petitioner should be released on bail. In view of the above, I make the following order:

ORDER

- (i) The petitioner shall file an affidavit within two weeks after releasing on bail that he will not commit such type of offence again.
- (ii) The petitioner shall report to the Police Station concerned on every alternate day between 11:00 A.M. to 4:00 P.M. till the completion of the trial.
- (iii) CRL. MISC. No.M-31603 OF 2016 is allowed, the petitioner be released on bail to the satisfaction of the concerned CJM/Duty Magistrate, subject to the above conditions.
- (iv) It is made clear that the State shall be entitled to apply for revocation of this order in case the petitioner is again found tinkering with the pipeline.

26th APRIL, 2017
'raj'

(A. B. CHAUDHARI)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>