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IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CRM-M-37980-2021 (O&M)

Date of Decision: 26.10.2021

Farukh Khan

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present:- Mr. Man Mohan, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

SURESHWAR THAKUR, J. (Oral)

The instant petition has been filed under Section 439 Cr.PC for grant of regular bail to the petitioner in FIR No.427 dated 28.09.2020 under Section 136 of the Electricity Act, 2006, registered at Police Station Kurukshetra University, Kurukshetra.

Puruant to the aforemade FIR, the petitioner is in judicial custody.

He is stated to be in judicial custody for the last 8 and half months. Consequently, hence has been led to motion this court, for constraining it for granting him regular bail.

Though Sh. Tanuj Sharma, the learned Assistant Advocate General, vehemently opposes the grant of regular bail to the petitioner. His afore opposition, is anchored upon the factum of the bail applicant, being an habitual offender inasmuch as he is being involved in 34 cases of a similar type, as carried in the instant petition.

Though, the learned AAG also submits that, amongst 34 cases of a nature similar, to the one as carried in this petition as lodged against the bail applicant, yet he also submits that of all amongst the afore number of cases, he

has been granted bail in 29 cases.

Though, the repeated indulgences of the bail applicant in criminal misdemeanours, may not constrain this court to pass an order allowing the instant application. However, since he has been granted bail in 29 cases, out of 34 cases of a similar nature, to the one carried in this petition.

Therefore, only subject to the most stringent conditions, being imposed upon him, this court is constrained to allow the extant bail petition. Consequently, the bail applicant shall furnish a personal bond in a sum of Rs.2 lacs, with two sureties in the like amount, to the satisfaction of the learned Trial Magistrate concerned, and he shall also make an undertaking before the learned Judicial Magistrate, that he shall not re-indulge in criminal misdemeanours. Moreover, he shall also make an undertaking, that in case he further indulges in criminal activities, thereupon he shall forfeit his right to seek an order of bail being granted to him, whether interim or regular.

Moreover, in case there is any further indulgence, by the bail applicant, in criminal misdemeanour, the order made today, on this bail application, shall *ipso facto* become vacated, and the bail applicant shall be forthwith taken into custody, by the investigating officer, and, thereafter, he shall be produced before the learned Trial Magistrate concerned, for enabling the latter to make an order, for his being put to, judicial custody. The extant bail application stands disposed off.

(SURESHWAR THAKUR)
JUDGE

October 26, 2021
Sunil Devi

Whether speaking / reasoned?
Whether reportable?

Yes / No
Yes / No