

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

**CRM-M No.41997 of 2021
Date of decision: 26.11.2021**

Aash Mohammad and another

..... Petitioners

versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Gurinder Singh Goraya, Advocate
for the petitioners.

Mr. Tanuj Sharma, AAG, Haryana.

SURESHWAR THAKUR, J. (ORAL)

1. FIR No.427 of 28.09.2020, constitutes therein offences under Sections 136, 137 of Electric Act, 2006, and, under Section 427 of IPC, and, is lodged at Police Station Kurukshetra University, Kurukshetra, therein the incriminating offences are attributed to be committed by the bail applicants.
2. The bail applicants accused are in judicial custody since 12.02.2021. Though, learned State counsel submits that all the relevant recoveries, stand effected at his instance, by the investigating officer concerned. However, he has vehemently opposed the grant of bail to the petitioners, as they are habitual offenders, and, are involved in 34 more cases, and on, the facility of regular bail, being accorded to them, thereupon it becoming abused by them.
3. Be that as it may, the imposition of stringent conditions, is rather deemed fit and appropriate, for being imposed upon the petitioners/ bail applicants, necessarily as a measure to allay, the apprehension

(supra), reared by the learned State counsel.

4. Consequently, given the further fact that the bail applicants are in judicial custody since 12.02.2021, thereupon, it is not necessary to prolong the judicial incarceration of the bail applicants. Therefore, the instant petition is allowed, and, the petitioners-bail applicants are ordered to be released from judicial custody. However, the granting of bail to the bail applicants-petitioners, is subject to their furnishing personal and surety bonds in the sum of Rs.50,000/- each, before the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned, and, also subject to theirs not tampering with prosecution evidence, and, also theirs not influencing prosecution witnesses, and, besides also their appearing before the trial Court concerned, as and when directed to make their personal appearance.

5. Further, subject to petitioners-bail applicants making an undertaking before the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned, that in case, they re-indulge in criminal activities, whereupon, on breach thereof, the benefit of bail, as, granted to them, shall become *ipso facto* annulled, leaving liberty to the Investigating Officer concerned, to arrest them, and, thereafter, produce the petitioners-bail applicants before the trial Court concerned, for appropriate directions, vis-a-vis, an order of judicial custody being made upon them.

5. Copy dasti.

(SURESHWAR THAKUR)
JUDGE

November 26, 2021

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Whether speaking/reasoned:- Yes/No

Whether reportable: Yes/No