

206

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

CRM-M-48223-2021

Date of decision:24.11.2021

SURAJ NAHAR

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Tajinder Pal Singh Makkar, Advocate
for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab.

SURESHWAR THAKUR, J. (ORAL)

1. FIR No.23 of 28.01.2021, constitutes therein offences under Sections 307, 324, 323, 148, 149, 120-B IPC, and, under Section 25 of Arms Act, 1959 (Section 307 of IPC was deleted and Section 326 IPC was added during the investigation), and, is lodged at Police Station City Kapurthala, District Kapurthala, therein the incriminating offences are attributed to be committed by the bail applicant.

2. The bail applicant accused is in judicial custody, for the last five months. However, learned State counsel submits that all the relevant recoveries, stand effected at his instance, by the investigating officer concerned. Moreover, he submits that the patient injured, has fully recuperated from the injuries inflicted, on his person, by the bail applicant accused, through user of iron khanda. However, he submits that since the accused bail applicant, is a habitual offender, hence, the facility of regular bail, as craved for in the instant application, be not accorded to him.

3. Be that as it may, the imposition of stringent conditions, is rather deemed fit and appropriate, for being imposed upon the petitioner-bail applicant, necessarily as a measure to allay, the apprehension (supra), reared by the learned State counsel.

4. Consequently, it is not necessary to prolong the judicial incarceration of the bail applicant. The instant petition is allowed, and, the petitioner-bail applicant is ordered to be released from judicial custody. However, the granting of bail to the bail applicant-petitioner, is subject to his furnishing personal and surety bonds in the sum of ₹50,000/- each, before the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned, and, also subject to his not tampering with prosecution evidence, and, his not influencing prosecution witnesses, and, besides also his appearing before the trial Court concerned, as and when directed to make his personal appearance. Further, subject to petitioner-bail applicant making an undertaking before the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned, that in case, he re-indulges in criminal activities, whereupon, on breach thereof, the order made today, shall remain be *ipso facto* annulled, and, that upon, his being forthwith arrested by the investigating officer concerned, the latter shall produce the petitioner-bail applicant before the trial Court concerned, for the latter making an order for his being put to judicial custody.

5. Copy dasti.

(SURESHWAR THAKUR)
JUDGE

24.11.2021

ithlesh

Whether speaking/reasoned:-
Whether reportable:

Yes/No
Yes/No