

In the High Court of Punjab and Haryana at Chandigarh

CRM-M No. 51585 of 2021 (O&M)
Date of Decision: 15.12.2021

Sonu Sharma

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Ms. Amarinder Kaur, Advocate
for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab.

SURESHWAR THAKUR, J. (ORAL)

1. FIR bearing No. 224 of 21.8.2021, constituting therein offence embodied under Section 379-B IPC, is registered against the petitioner-bail applicant at Police Station Focal Point, District Ludhiana.
2. Today ASI Charan Singh, has appeared before this Court, and, intimated that after completion of investigation, and, also after all the relevant recoveries, being made at the instance of the petitioner, by the investigating officer, a report under Section 173 Cr.P.C., has been filed.
3. Since from the afore made submission, it is evident that the investigations into offences (supra), carried in FIR (supra), are complete, and also, when the bail applicant-petitioner is in judicial custody for the last about 3½ months, thereupon, it is not deemed fit to prolong the incarceration of the bail applicant-petitioner.
4. However, learned Assistant Advocate General, Punjab, has made a submission before this Court, that since the bail applicant-petitioner

is a habitual offender, thereupon, in case the facility of bail is granted to him, there is every likelihood of his abusing the facility of bail.

5. However, the vigour of the afore made submission, of the learned State Counsel, before this Court, can be mitigated, by imposition of stringent conditions, upon the petitioner-bail applicant.

6. Consequently, 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 become *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.

6. Copy dasti.

(SURESHWAR THAKUR)
JUDGE

December 15, 2021
Gurpreet

Whether speaking/reasoned : Yes
Whether reportable : Yes/No