

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

**CRM-M No. 1113 of 2022 (O&M)
Date of Decision: 10.02.2022**

Sarik

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Vikas Gulia, Advocate,
for the petitioner.

Mr. Tanuj Sharma, Assistant Advocate General, Haryana

(Through Video Conferencing)

SURESHWAR THAKUR, J. (ORAL)

1. The petitioner, by filing the present petition under Section 439 Cr.P.C., seeks grant of regular bail in case FIR No. 255 of 18.03.2021, which was registered against him, at Police Station Kharkhoda, District Sonapat, constituting therein offences under Sections 379B, 394 of the IPC, and, under Sections 25, 54, 59 of the Arms Act, 1959.

2. The bail applicant-petitioner is stated to be suffering judicial incarceration since 25.07.2021.

3. The learned State Counsel, on instructions, meted to him, by the Investigating Officer (IO) concerned, submits the relevant recoveries have been effected at the instance of the bail applicant / petitioner, and, after completion of the entire investigation in the FIR (supra), the challan has also been filed, and, that no further cooperation of the bail applicant / petitioner, is required, in the relevant investigations.

4. The learned State Counsel also submits that the co-accused, one, Suveb, has already been granted the facility of regular bail through an order,

2022, as, became instituted by him (Suveb).

5. Therefore, accepting the afore made submission, before this Court, by the learned State Counsel, the bail applicant – petitioner is also entitled to a similar treatment with the afore, one, Suveb.

6. Bearing in mind the afore, and, also bearing in mind the fact that the bail applicant is suffering judicial incarceration since 25.07.2021. Therefore, it is not deemed fit to order for any prolongation of the judicial incarceration of the petitioner. Contrarily, it is deemed appropriate to admit to bail, the bail petitioner.

7. However, the learned State Counsel opposes the bail of the bail applicant on the ground that the bail applicant is an habitual offender, and, that thereupon, this Court may not grant any indulgence of bail to the petitioner.

8. The afore made submission is benumbed, upon this Court, making stringent conditions upon the bail applicant, inasmuch as his making an undertaking before the learned trial Court, that he shall not re-indulge in any criminal activity, whereupon, on breach thereof, the benefit of regular bail, as granted to him shall become *ipso facto* annulled, leaving liberty to the Arresting Officer, to forthwith arrest him, and, to thereafter, produce the bail applicant before the learned Magistrate concerned, for appropriate directions, *vis-a-vis*, an order of judicial custody being made, upon him.

9. Consequently, with condition (*supra*), the instant petition is allowed, and the bail applicant – petitioner is ordered to be released from judicial custody, on his furnishing personal and surety bonds in the sum of ₹ 50,000/- each, before the learned trial Court/Chief Judicial Magistrate/Duty

