

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

CRM-M No. 785 of 2022 (O&M)

Date of Decision: 04.02.2022

Paramjeet Singh

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Ishan Thakur, Advocate for the petitioner.

Mr. Pradeep Prakash Chahar, Deputy Advocate General, Haryana

(Through Video Conferencing)

SURESHWAR THAKUR, J. (ORAL)

1. The petitioner, by filing the present petition under Section 438 Cr.P.C., seeks grant of anticipatory bail in case FIR No. 425 of 20.12.2020, which was registered against him, at Police Station Civil Line Sirsa, District Sirsa, constituting therein offences under Sections 457 and 380 of the Indian Penal Code, 1860.

2. This Court, through an order made on 11.01.2022, had granted ad interim bail to the bail applicant / petitioner.

3. The bail applicant is alleged to be the receiver of the stolen property. The principal offender one, Angrej Singh, has allegedly committed offences under Sections 457 and 380 of the IPC.

4. The learned State Counsel, on instructions, meted to him, by ASI Raj Kumar, submits that the bail applicant – petitioner, has participated in the relevant investigations, and, he is rendering his fullest cooperation to the IO concerned, and, that he has ensured the effectuation of recovery at his

instance, of the stolen property, as became, delivered to him, by the

principal accused, hence to the IO concerned. He also submits that the investigations into the offences, carried in the FIR (supra) are complete, and, that very soon, a report under Section 173 of the Cr.P.C., would become instituted, by the IO concerned, before the learned trial Magistrate concerned. He very fairly submits that in view of the above, the custodial interrogation of the petitioner may not become necessitated.

5. However, the learned State Counsel opposes the grant of bail to the bail applicant, on the ground that the bail applicant has earlier committed penal offences, and, that thereupon, this Court may not grant any indulgence of bail to the petitioner.

6. The afore made submission is benumbed, upon this Court, making stringent conditions upon the bail applicant, inasmuch as his making an undertaking before the Investigating Officer concerned, that he shall not re-indulge in any criminal activity, whereupon, on breach thereof, the benefit of anticipatory 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.

7. Cumulatively, this Court does not deem it fit to order for custodial interrogation of the bail applicant. Contrarily, this Court is constrained to make absolute the order made by this Court, on 11.01.2022. However, the making of absolute of the afore order shall be subject to the conditions laid down in Section 438 (2) of the Code of Criminal Procedure.

The Investigating Officer concerned, is directed to, forthwith, ensure the

furnishing, before him, by the bail-applicant, of personal and surety bonds, in a sum of Rs. 50,000/- each.

8. It is clarified that in case the bail applicant, does not comply with conditions (supra), and / or, he further re-engages in any criminal activity, thereupon, the order above shall become be *ipso facto* cancelled, and, also he shall be forthwith taken into custody, by the Investigating Officer concerned.

9. Disposed of.

February 04, 2022

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**(SURESHWAR THAKUR)
JUDGE**

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>