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

CRM-M-2144-2022

Date of decision: 29.03.2022

BHANWAR LAL

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Ms. Suman Kumari, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

SURESHWAR THAKUR, J. (ORAL)

1. FIR No.569 of 17.12.2021, constitutes therein offences under Section 379 of IPC (Sections 467, 468, 471, 34 of IPC, 1860 added lateron), and, is lodged at Police Station Civil Lines, Hisar, District Hisar.

2. In pursuance to the afore lodged FIR at the Police Station (supra), the bail applicant is in judicial custody. Consequently, through the instant application cast under Section 439 of the Cr.P.C., he claims relief for being ordered to be released from judicial custody.

3. Learned State counsel, on instructions from SI Rampal, fairly submits before this Court, that the bail applicant is suffering incarceration for about 3 months, and, also submits that the investigation into the offences (supra), is complete. Furthermore, since he also submits that the stolen vehicle, and, also the vehicle which has been used for commission of the offence, have been recovered, and, also that all the other relevant recoveries

have been effected at the instance of the bail applicant, to the investigating

officer concerned. Therefore, this Court does not deem it fit and appropriate to prolong the judicial incarceration of the bail applicant.

4. 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.

5. 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.

6. Consequently, it is not necessary to prolong the judicial incarceration of the bail applicant, as thereupon his personal liberty will come to unnecessarily fettered, and, curtailed. 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, of a nature alike to the present one, 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.

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29.03.2022

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Whether speaking/reasoned:-
Whether reportable:

(SURESHWAR THAKUR)
JUDGE

Yes/No
Yes/No