

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

**CRM-M No. 2995 of 2022 (O&M)
Date of Decision: 31.01.2022**

Sarafraj

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Deepak Goyal, 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. 449 of 30.07.2021, which was registered against him, at Police Station Gharaunda, District Karnal, constituting therein offences under Section 379 of the IPC, and under Section 25/54/59 of the Arms Act, 1959.

2. The bail applicant-petitioner is stated to be suffering judicial incarceration since 13.08.2021.

3. The learned State Counsel, on instructions, meted to him, by SI Hari Krishan, Investigating Officer (IO), submits that all the relevant recoveries have been effected at the instance of the bail applicant / petitioner, and, that the challan has also been filed, and, that no further cooperation of the bail applicant / petitioner, is required, in the relevant investigations. The learned State Counsel also, on instructions, submits that no other criminal case is pending against the present bail applicant / petitioner.

4. The learned State Counsel also submits that the co-accused, one,

order, made on 11.01.2022, by this Court, in a petition bearing CRM-M No. 102 of 2022, as, became instituted by him (Mutahir @ Bachi).

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 Mutahir @ Bachi.

6. Bearing in mind the afore, and, also bearing in mind the fact that the bail applicant is suffering judicial incarceration since 13.08.2021. 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. Therefore, 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.

8. However, in case the bail applicant-petitioner, abuses the facility of bail, granted to him by this Court, thereupon the investigating officer concerned shall make a motion before this Court, for cancelling the facility of bail, as is granted to the petitioner, through the order made today by this Court.

January 31, 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>