

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

CRM-M No. 2941 of 2022 (O&M)

Date of Decision: 31.01.2022

Suraj alias Deepu

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Pankaj Mehta, 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. 706 of 20.10.2021, which was registered against him, at Police Station HTM, Hisar, constituting therein offences under Sections 323, 394, 34 of the IPC, and, under Section 25(1B), A/54/59 of the Arms Act, 1959.

2. The bail applicant-petitioner is stated to be suffering judicial incarceration since 20.10.2021.

3. The learned State Counsel, on instructions, meted to him, by the SI Sudesh Pal, Investigating Officer (IO), 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. Though, the afore constrains this Court to admit the petitioner to bail.

4. 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.

5. 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 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.

6. 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 Magistrate concerned, and, also subject to his not tampering with prosecution evidence, and/or not influencing prosecution witnesses, and, also his appearing before the trial Court concerned as and when he is required to be making his personal appearance.

January 31, 2022

'dk kamra'

**(SURESHWAR THAKUR)
JUDGE**

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