

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

**CRM-M No. 3558 of 2022 (O&M)
Date of Decision: 02.02.2022**

Amit

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Navmohit Singh, Advocate,
for the petitioner.

Mr. Tanuj Sharma, Assistant Advocate General, Haryana

(Through Video Conferencing)

SURESHWAR THAKUR, J. (ORAL)

CRM-2667-2022

1. The application is allowed, as prayed for.
2. Exemption from filing certified copies of the documents / Annexures P-1 & P-2, is granted.

MAIN CASE

1. The petitioner, by filing the present petition under Section 439 Cr.P.C., seeks grant of regular bail in case FIR No. 321 of 04.11.2021, which was registered against him, at Police Station Sadar Dadri, constituting therein offences under Sections 307, 387, 506, 24, 120-B of the IPC, and, under Section 25 of the Arms Act, 1959.
2. The bail applicant alongwith other co-accused is alleged to commit the afore offences. He is stated to be suffering judicial incarceration since 05.11.2021.
3. The learned State Counsel, on instructions, meted to him, by

SI Toofan Singh, Investigating Officer (IO), submits that the recovery of the

incriminatory weapon of offence, has been effected at the instance of co-accused, one, Bhawani, and, that no recovery of any other incriminatory weapon, is to be effected at the instance of the bail applicant / petitioner, to the IO concerned. Moreover, he submits that after completion of the entire investigations in the FIR (supra), the challan has also been filed. Though, the afore constrains this Court to admit the petitioner to bail.

4. However, the learned State Counsel opposes the grant of bail to the bail applicant, on the ground that the bail applicant is a habitual offender, and, that there is every likelihood of his abusing the facility of bail.

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, after arresting him, 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,

required to be making his personal appearance, unless exempted for valid reasons.

February 02, 2022
'dk kamra'

(SURESHWAR THAKUR)
JUDGE

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