

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

CRM-M No. 6469 of 2022

Date of Decision: 10.03.2022

Pankaj Kumar @ Panku

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. B.B.S. Randhawa, Advocate,
for the petitioner.

Mr. Bhupender Beniwal, Assistant Advocate General, Punjab

(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. 0202 of 10.06.2021, which was registered against him, at Police Station Islamabad, Police Commissionerate District Amritsar, Punjab, constituting therein offences under Sections 307, 353, 186, 506 of the IPC, and, under Section 52 of the Prison Act, 1894.

2. The bail applicant-petitioner is stated to be suffering judicial incarceration since 30.07.2021.

3. The bail applicant – petitioner alongwith other co-accused is alleged to assault the Deputy Jail Superintendent of the Central Jail, Amritsar.

4. The learned State Counsel, on instructions, meted to him, by the Investigating Officer (IO) concerned, submits that the entire investigations in the FIR (supra) are complete, and, that a charge has been drawn by the learned trial Judge concerned, against the petitioner, and, other co-accused

5. The learned counsel for the petitioner stated at the Bar before this Court, that the Jail Superintendent concerned, has fully recuperated from the injuries, if any, as became inflicted upon his person, in sequel, to his, becoming assaulted by the bail applicant, and, other co-accused.

6. Bearing in mind the afore made submission, and, keeping in view the fact that the petitioner is in custody since 30.07.2021, hence this Court does not deem it 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. 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, inasmuch, as he is involved in nine other criminal cases.

8. 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 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.

9. 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 unless validly exempted.

March 10, 2022
'dk kamra'

(SURESHWAR THAKUR)
JUDGE

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