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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CRM-M-7474-2022**

Date of decision:19.05.2022

MOHAN GIRI

...Petitioner

Versus

STATE OF UT CHANDIGARH

...Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Manjot Gujral, Advocate
for the petitioner.

Mr. Yashwant Singh Rathor, A.P.P. U.T. Chandigarh with
Mrs. Sudha Singh, Advocate and
Mr. Yuvraj Singh Rathor, Advocate

SURESHWAR THAKUR, J. (ORAL)

1. The instant petition has been filed under Section 439 of Cr.P.C., wherein the present bail petitioner seeks indulgence of regular bail.

2. FIR No.32 of 17.02.2021, constitutes therein offences under Sections 379-A, 356, 411 of IPC, and, is lodged at Police Station South Sector-34, Chandigarh, therein the commission of incriminatory offences are attributed to the bail petitioner.

3. In pursuance to the afore lodged FIR at the Police Station (supra), the bail petitioner is in judicial custody since 25.09.2021. Consequently, through the instant application cast under Section 439 of the Cr.P.C., he claims the relief, for being released from judicial custody.

4. Learned State counsel fairly submits before this Court, that the bail petitioner is suffering incarceration for the last about 8 months, and,

also submits that the investigation into the offences (supra), is complete. Furthermore, since he also submits that all the relevant recoveries have been effected, at the instance of the bail petitioner, to the investigating officer concerned. Therefore, and, moreso when at this stage, no evidence has been adduced by the prosecution, suggestive that in the event of the bail petitioner being admitted to regular bail, there is every likelihood of his fleeing from justice or tampering with prosecution evidence, thereupon this Court may become constrained to grant relief to the petitioner.

5. 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.

6. 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.

7. In aftermath, it is not necessary to prolong the judicial incarceration of the bail petitioner. 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, also his not influencing prosecution witnesses, and, besides his appearing before the trial Court concerned, as and when directed to make his personal appearance unless validly exempted. 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 activites, 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.

8. Copy dasti.

19.05.2022

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(SURESHWAR THAKUR)
JUDGE

Whether speaking/reasoned:-	Yes/No
Whether reportable:	Yes/No