

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

CRM-M No. 7665 of 2022 (O&M)

Date of Decision: 10.03.2022

Hansraj @ Hansa @ Pahalwan

..... 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-6500-2022

1. The application is allowed, as prayed for.
2. Exemption from filing the certified copies of documents, as, appended with the petition Annexures P-1 & P-2, is granted, subject to all just exceptions

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, 34, 120-B of the IPC, and, under Section 25 of the Arms Act.
2. The bail applicant-petitioner is stated to be suffering judicial incarceration since 05.11.2021.
3. It is alleged in the FIR (supra) that the bail applicant - petitioner alongwith co-accused, one, Bhawani, for both carrying ahead the mens rea of extorting money from the victim, hence brandished a pistol at the victim.

4. The learned State Counsel very fairly submits, that the afore extortion did not materialize, and, also that no injuries were received on the person of the victim. He further, on instructions, meted to him, by ASI Narender Singh, Investigating Officer (IO), submits that the co-accused-Bhawani, has ensured the effectuation of recovery, at his instance, of the incriminatory weapon of offence, i.e., pistol, to the IO concerned. Moreover, he also submits that the entire investigations in the FIR (supra) are complete, and, that a report under Section 173 of the Cr.P.C., has been filed, before the learned Committal Court concerned.

5. Bearing in mind the afore made submission, and, keeping in view the fact that the petitioner is in custody since 05.11.2021, 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.

6. 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 seventeen other criminal cases.

7. 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.

8. 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

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No