

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

**CRM-M No. 9011 of 2021 (O&M)
Date of Decision: 14.03.2022**

Sumit

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. V.P. Sangwan, Advocate
for the petitioner.

Mr. Pradeep Prakash Chahar, Deputy Advocate General, Haryana
assisted by ASI Rajbir.

(Through Video Conferencing)

SURESHWAR THAKUR, J. (ORAL)

CRM-5632-2021

1. The application is allowed, as prayed for.
2. Exemption from filing the certified copy of document / Annexure P-1, as, appended with the petition, is granted, subject to all just exceptions.

MAIN CASE

1. The petitioner, by filing the present petition under Section 438 Cr.P.C., seeks grant of anticipatory bail in case FIR No. 0281 of 20.06.2020, which was registered against him, at Police Station Tosham, District Bhiwani, constituting therein offences under Sections 323, 324, 395, 397, 452, 506 of the IPC, and, under Section 25 of the Arms Act (Section 325 of the IPC added later on).

2. This Court, through an order made on 25.02.2021, had granted ad interim bail to the bail applicant / petitioner.

3. The learned State Counsel, on instructions, meted to him, by ASI Rajbir, submits that the bail applicant – petitioner, has participated in the relevant investigations, and, he is rendering his fullest cooperation to the IO concerned, and, that he has ensured the effectuation of the relevant recovery, to the IO concerned. He also very fairly submits, that in view of the above, the custodial interrogation of the petitioner in the present case may not become necessitated.

4. However, the learned State Counsel opposes the grant of bail to the bail applicant, on the ground that the bail applicant has earlier committed penal offences, 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 Investigating Officer concerned, that he shall not re-indulge in any criminal activity, whereupon, on breach thereof, the benefit of anticipatory 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.

6. Cumulatively, this Court subject to condition (supra), does not deem it fit to order for the custodial interrogation of the bail applicant.

Contrarily, this Court is constrained to make absolute the order made by this

Court, on 25.02.2021. However, the making of absolute of the afore order shall be subject to the terms and conditions of the order (supra).

7. Disposed of.

March 14, 2022

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**(SURESHWAR THAKUR)
JUDGE**

<i>Whether Speaking/reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes</i>