

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

**CRM-M No. 8853 of 2022
Date of Decision: 30.03.2022**

Shamsher Singh @ Sherry

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Kamal Narula, Advocate for the petitioner.

Ms. Bhavna Gupta, Deputy Advocate General, Punjab

SURESHWAR THAKUR, J. (ORAL)

1. The petitioner, by filing the present petition cast under Section 439 Cr.P.C., seeks grant of regular bail in case FIR No. 283 of 30.10.2020, which was registered against him, at Police Station City Ferozepur, District Ferozepur, constituting therein offences under Sections 399/402/379/411 of the IPC.

2. The bail applicant-petitioner is stated to be suffering judicial incarceration since 30.10.2020.

3. The learned counsel for the petitioner submits, that since the co-accused, alongwith the present bail petitioner, through affirmative orders, respectively made, upon CRM-M-17921-2021, upon, CRM-M-18641-2021, upon, CRM-M-24852-2021, and, upon, CRM-M-39443-2021, orders whereof are appended with the petition, respectively as Annexures P-2 to P-4, have been enlarged on regular bail. Thereupon, on parity with the afore, the petitioner obviously claims, that a similar thereto benefit be granted to him.

4. Even though, the afore made argument is well rested, however,

the learned State Counsel, submits that yet a disparity therewith arises qua the

instant petition, inasmuch as, the present petitioner is a habitual offender, and, in the event of his being enlarged on bail, there is every likelihood of his fleeing from India, and, or, tampering with prosecution evidence.

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 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. 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.

7. Dasti copy.

March 30, 2022

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**(SURESHWAR THAKUR)
JUDGE**

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