

215-A

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

CRM-M-9024-2022

Date of decision:17.03.2022

MANDEEP SINGH @ NIKKU

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Tarun Singla, Advocate
for the petitioner.

Ms. Samina Dhir, DAG, Punjab.

SURESHWAR THAKUR, J. (ORAL)

1. FIR No.191 of 29.11.2021, constitutes therein offences under Sections 458, 386, 395, 412, 201, 120-B of IPC, 1860, and, under Section 25 of Arms Act, 1959 (offences under Sections 395, 412, 201, 120-B IPC, 1860, and, 25 Arms Act added later on), and, is lodged at Police Station Sardulgarh, District Mansa, therein the incriminating offences are attributed to be committed by the bail applicant.

2. In pursuance to the afore lodged FIR at the Police Station (supra), the bail petitioner is in judicial custody since 30.11.2021. Consequently, through the instant application cast under Section 439 of the Cr.P.C., he claims the relief, for his being ordered to be released from judicial custody.

3. The incriminatory role, as attributed to the bail applicant is qua his, alongwith co-accused Harjit Singh @ Jeetu, Jaspreet Singh @ Mauju, Gurlal Singh, and, Amrinder Singh @ Gaggi hence committing the afore

offences.

4. In FIR (supra), the incriminatory role as attributed to the bail applicant is qua his, alongwith co-accused hence snatching currency worth Rs. 90,000/- from the complainant, and, also his alongwith co-accused concerned, snatching the wallet of the brother of the complainant, wherein, became enclosed Aadhar Card, Driving License, Nokia Keypad Mobile Phone, of the complainant. Apart therefrom all the co-accused with each sharing a common *mens-rea* also snatching mobile phone of the complainant, and, also the SIM thereof. The learned State counsel on instructions, given to her, by ASI Bhupinder Singh submits, that recoveries at the instance of the co-accused concerned, to the investigating officer concerned, has been made hence of currency worth Rs.50,000/-, and, of two mobile phone, besides one pistol 12 of bore alongwith 6 live cartridges. However, she further submits, that the recovery of other robbed items, as mentioned in paragraph 6 of the reply, inasmuch as recovery of Rs. 10,000/-, and, one Aadhar Card of the wife, and, some other robbed items, rather has remained uneffectuated, to the investigating officer concerned, at the instance of the accused concerned. Consequently she submits, that in sequel thereof Section 201 IPC has been added against the accused accused.

5. Be that as it may, since substantial recoveries (supra), become effectuated at the instance of the accused concerned, to the investigating officer concerned, and, also when the accused-bail petitioner, is in custody since 30.11.2021, and, besides when the investigations are complete, and, after filing of the report under Section 173 of Cr.P.C., by the investigating officer concerned, before the learned Committal Court, the latter has made an order for committing the accused to face trial, before the learned

Sessions Judge concerned. Therefore, this Court is constrained to not further prolong the judicial incarceration of the bail applicant, as thereupon his personal liberty shall come to be unnecessarily fettered.

6. However, she 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.

7. 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.

8. Consequently, it is not necessary to prolong the judicial incarceration of the bail applicant, as thereupon his personal liberty will come to unnecessarily fettered, and, curtailed. 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, his not influencing prosecution witnesses, and, besides also his appearing before the trial Court concerned, as and when directed to make his personal appearance. 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 activities, 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.

9. Copy dasti.

17.03.2022
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(SURESHWAR THAKUR)
JUDGE

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