

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

CRM-M-10064-2022

Date of decision:14.03.2022

SURENDER KUMAR @ KARAN @ SATKARAN

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. S.K. Bishnoi, Advocate for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

(Through Video Conferencing)

SURESHWAR THAKUR, J. (ORAL)

1. FIR No.420 of 01.09.2021, constitutes therein offences under Section 25 of Arms Act, 1959, and, under Sections 34, 342, 394 of IPC (Sections 397, and, 201 of IPC, 1860 added lateron), and, is lodged at Police Station City Fatehabad, District Fatehabad, 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 applicant is in judicial custody. Consequently, through the instant application cast under Section 439 of the Cr.P.C., he claims relief for being ordered to be released from judicial custody.

3. Learned State counsel fairly submits before this Court, that the bail applicant is suffering incarceration for about 6 months, and, also submits that all the relevant recoveries have been effected at the instance of the bail applicant, to the investigating officer concerned. Moreover, since this Court with respect to other co-accused/bail-petitioners, had through an

order made on 22.02.2022, upon CRM-M-380-2022, granted the indulgence of bail, as, claimed in the petition (supra), cast under Section 439 of Cr.P.C. Therefore, since the incriminatory role of the bail petitioner is similar to the one, as became imputed to the co-accused/bail petitioners, in the petition (supra). Consequently, similar treatment thereto is also to be given to the bail petitioner. In sequel, this Court does not deem it fit and appropriate to prolong the judicial incarceration of the bail applicant.

4. 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.

5. 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.

6. Consequently, it is not necessary to prolong the judicial incarceration of the bail applicant. 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 remain be *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.

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14.03.2022

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Whether speaking/reasoned:-
Whether reportable:

(SURESHWAR THAKUR)
JUDGE

Yes/No
Yes/No