

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

CRM-M-10685 of 2022

Date of Decision : April 04, 2022

Jai Kumar alias Bahadar

..... Petitioner

vs

State of Haryana

.... Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present : Mr. Amardeep Sheoran, Advocate for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

SURESHWAR THAKUR, J. (Oral)

1. FIR No.204 of 17.07.2021, constitutes therein offences under Sections 147, 148, 149, 285, 323, 341, 506, 509 of the IPC and 25 of the Arms Act, 1959 and Section 307 IPC (added later on), and is lodged at Police Station Siwani, District Bhiwani, thereins the incriminatory offences are alleged 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 an order for his being released from judicial custody.
3. The incriminatory role assigned to the present bail petitioner, is that, he along with other members of the unlawful assembly, committing a life endangering assault upon the person of the victim.

4. The learned State counsel, on instruction given by ASI Joginder Singh, submits that the present bail petitioner has ensured the effectuation of recovery of a *danda*, to the Investigating Officer, as became allegedly used by him in making an assault upon the person of the victim. Since, he further submits, that the condition of the victim/injured is stable, and, that he has been discharged from the hospital, besides also when the present bail petitioner is suffering judicial incarceration since 10.10.2021, thereupon this court does not deem it appropriate to prolong his judicial custody.

5. However, the learned State counsel submits that the bail applicant is a habitual offender, hence, the facility of regular bail, as craved for, in the instant application, be not accorded to him.

6. 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.

7. 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 Rs.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 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.

8. Copy dasti.

April 04, 2022
sarita

(SURESHWAR THAKUR)
JUDGE

Whether Speaking/Reasoned :	Yes/No
Whether Reportable :	Yes/No