

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

**CRM-M No. 11627 of 2022
Date of Decision: 21.03.2022**

Jai Singh

..... Petitioner

Versus

The State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. B.S. Saroha, Advocate, for the petitioner.

Mr. Pradeep Prakash Chahar, Deputy Advocate General, Haryana

SURESHWAR THAKUR, J. (ORAL)

1. The petitioner, by filing the present petition under Section 438 Cr.P.C., seeks grant of anticipatory bail in case FIR No. 74 of 15.02.2021, which was registered against him, at Police Station City Narnaul, District Mahendergarh, Haryana, constituting therein offences under Sections 457 & 380 of the Indian Penal Code, 1860.

2. The incriminatory role, as, attributed to the bail applicant – petitioner in the FIR (supra), is of his alongwith co-accused making theft of buffalo, owned by the complainant.

3. Be that as it may, since the learned State Counsel, on instructions, meted to him, by ASI Aalok, submits that, at the instance of the bail applicant-petitioner, the recovery of the stolen buffalo, owned by the complainant, has been effectuated, to the Investigating Officer concerned. Moreover, when also submits that the investigations into the offences, carried in the FIR (supra) are complete, and, that very soon, a report under Section 173 of the Cr.P.C., would become

instituted, by the IO concerned, before the learned trial Magistrate concerned. Therefore, bearing in mind the afore made submission, it is deemed not fit and appropriate to order for the custodial interrogation of the bail applicant – petitioner.

4. However, the learned State Counsel opposes the grant of pre-arrest bail to the bail applicant, on the ground that the bail applicant is habitual offender, inasmuch, as he is involved in two other criminal cases

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. Consequently, with condition (*supra*), the instant petition is disposed of. In sequel, it is ordered that in the event of arrest of the bail applicant-petitioner, he be released, by the Investigation Officer, on his furnishing personal and surety bonds in the sum of ₹ 50,000/- each, before him, and, also subject to his not tampering with prosecution evidence, and/or not influencing prosecution witnesses, and, also, as

written Hukamnama, his cooperating in the investigations to be made into the offence(s) concerned.

March 21, 2022

'dk kamra'

**(SURESHWAR THAKUR)
JUDGE**

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