

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

**CRM-M No. 12185 of 2022
Date of Decision: 28.03.2022**

Shamsher Singh @ Shera

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Maninder Singh Bajwa, Advocate,
for the petitioner.

Mr. Bhupender Beniwal, Assistant 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. 0189 of 22.12.2021, which was registered against him, at Police Station Majitha, District Amritsar, constituting therein offences under Sections 384, 387, 506 of the IPC.

2. The bail applicant-petitioner is stated to be suffering judicial incarceration since 21.12.2021.

3. The learned State Counsel, on instructions, meted to him, by ASI Jagdeep Singh, Investigating Officer (IO), submits, that all the relevant recoveries have been effected at the instance of the bail applicant / petitioner, to the IO concerned, and, that after completion of the entire investigation in the FIR (supra), a report under Section 173 of the Cr.P.C., has been filed, before the learned Magistrate concerned, and, that no further cooperation of the bail applicant / petitioner, is required, in the relevant investigations.

4. Bearing in mind the afore, and, also bearing in mind the fact that the bail applicant is suffering judicial incarceration since 21.12.2021. Therefore, it is not deemed fit to order for any prolongation of the judicial incarceration of the petitioner, as, thereupon, his personal liberty would become unnecessarily curtailed and fettered. Contrarily, it is deemed appropriate to admit to bail, the bail petitioner.

5. However, the learned State Counsel opposes the grant of bail to the bail applicant, on the ground that the bail applicant is a habitual offender.

6. 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.

7. 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.

March 28, 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>