

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

**CRM-M No. 12099 of 2022  
Date of Decision: 28.03.2022**

Kamaldeep Singh alias Deepu

..... Petitioner

**Versus**

State of Haryana

..... Respondent

**CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR**

Present: Mr. Vikas Bishnoi, Advocate,  
for the petitioner.

Mr. Tanuj Sharma, Assistant Advocate General, Haryana

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**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. 420 of 01.09.2021, which was registered against him, at Police Station City Fatehabad, District Fatehabad, constituting therein offences under Sections 394, 342, 34 of the IPC, 1860, and, under Section 25 of the Arms Act (Section 201 of the IPC added later on).

2. The bail applicant-petitioner is stated to be suffering judicial incarceration since 02.09.2021.

3. The learned State Counsel, on instructions, meted to him, by ASI Surender Pal, Investigating Officer (IO), submits that all the relevant recoveries, i.e. of one knife, and, cash amounting to Rs. 8,000/-, 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. The learned State Counsel also submits that the co-accused, Surender Kumar alias Chhinda, and, Surender Kumar alias Karan alias Satkaran, have already been granted the facility of regular bail, through orders, made on 22.02.2022 & on 14.03.2022, by this Court, respectively upon the petitions bearing CRM-M-380-2022, and, CRM-M-10064-2022.

5. Therefore, accepting the afore made submission, before this Court, by the learned State Counsel, the bail applicant – petitioner is also entitled to a similar treatment with the afore co-accused.

6. Bearing in mind the afore, and, also bearing in mind the fact, that the bail applicant is suffering judicial incarceration since 02.09.2021. 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.

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

8. 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

9. 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**

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