

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

CRM-M-13242 of 2022

Date of Decision : April 04, 2022

Simranjit Singh @ Honey

..... Petitioner

vs

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present : Mr. O.P. Kamboj, Advocate for the petitioner.

Mr. Bhupinder Beniwal, AAG, Punjab.

SURESHWAR THAKUR, J. (Oral)

1. FIR No.164 of 09.12.2021, constitutes therein offences under Sections 399, 402 IPC and 25 of the Arms Act, 1959 (added later on), and, is lodged at Police Station Kulgari, District Ferozepur, 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 an order for being released from judicial custody.
3. The incriminatory role as attributed to the present bail petitioner, is that, he along with other co-accused assembled at night hours under a railway bridge, and, that the cache of arms as became wielded by all the co-accused concerned, at the crime site, becoming recovered at the crime site, therefore, the afore factum prima facie engineers an inference

from this court, that obviously the accused may be preparing to commit the offence carried under Section 399 of the IPC.

4. Be that as it may, since all the relevant recoveries became effectuated at the instance of the bail petitioner(s) to the Investigating Officer concerned, and, also when the present bail petitioner has suffered incarceration since 10.12.2021, 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
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(SURESHWAR THAKUR)
JUDGE

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