

In the High Court of Punjab and Haryana at Chandigarh

CRM-M No. 16107 of 2022

Date of Decision: 13.7.2022

Amit Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Shrenik Jain, Advocate
for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab.

SURESHWAR THAKUR, J. (ORAL)

1. The instant petition has been filed under Section 439 Cr.P.C., seeking the indulgence of regular bail, to the petitioner.
2. In FIR bearing No. 109 of 12.9.2019, registered at Police Station Moonak, District Sangrur, offences constituted under Sections 457, 380, 411 of the IPC, are embodied.
3. Without delving deep into the merits of the case, and, also bearing in mind the statement made before this Court, by the learned State counsel, on instructions given to him by ASI Mithu Ram, that during the course of investigations, being made into the petition offences, the present petitioner has made effectuation of all the relevant recoveries, to the investigating officer concerned, besides bearing in mind the further factum, that after completion of investigations into the petition FIR, the investigating officer concerned, has instituted an affirmative report under Section 173 Cr.P.C., before the learned Magistrate concerned. Thereupon, this Court deems it fit, and, appropriate to admit the present petitioner to regular bail.

4. However, the learned State counsel submits, that since the bail

applicant-petitioner is a habitual offender, thereupon, in case the facility of bail is granted to him, thereupon, there is every likelihood of his fleeing from justice or re-indulging in penal activities.

5. However, the vigour of the afore made submission, of the learned State Counsel, before this Court, can be mitigated, by imposition of stringent conditions, upon the petitioner-bail applicant.

6. Consequently, the instant petition is allowed, and, the petitioner-bail applicant is ordered to be released from judicial custody, if not required in any other case. 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 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.

7. Copy dasti.

(SURESHWAR THAKUR)
JUDGE

July 13, 2022
Gurpreet

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No