

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

CRM-M No. 15755 of 2022

Date of Decision: 22.04.2022

Rehana and another

..... Petitioners

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Rajesh Arora, Advocate,
for the petitioners.

Mr. Karan Sharma, Deputy Advocate General, Haryana

SURESHWAR THAKUR, J. (ORAL)

1. The petitioners, by filing the present petition under Section 439 Cr.P.C., seek grant of regular bail in case FIR No. 108 of 22.02.2022, which was registered against them, at Police Station Civil Line, Sonipat, District Sonipat, constituting therein offences under Sections 379-A, 411, and, 34 of the Indian Penal Code, 1860.

2. In the FIR (supra), the incriminatory role is attributed to the bail applicants / petitioners.

3. The bail applicants-petitioners are stated to be suffering judicial incarceration since 22.02.2022.

4. The learned State Counsel, on instructions, meted to him, by the Investigating Officer (IO) concerned, submits that the bail applicants have ensured the effectuation of the relevant recovery, to the IO concerned, inasmuch as, the recovery of Rs. 20,000/- has been effected at their instance. He also submits, 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

applicants / petitioners, is required, in the relevant investigations.

5. Bearing in mind the afore made submission, and, keeping in view the fact that the petitioners are in custody since 22.02.2022, this Court does not deem it fit to order for any prolongation of the judicial incarceration of the petitioners, as, thereupon, their personal liberty would become unnecessarily curtailed and fettered. Contrarily, it is deemed appropriate to admit to bail, the bail petitioners.

6. However, the learned State Counsel opposes the grant of bail to the bail applicant, on the ground that the bail applicants are habitual offenders, thereupon, this Court may not grant any indulgence of bail to the petitioners.

7. The afore made submission is benumbed, upon this Court, making stringent conditions upon the bail applicants, inasmuch as their making an undertaking before the learned trial Court, that they shall not re-indulge in any criminal activity, whereupon, on breach thereof, the benefit of regular bail, as granted to them shall become *ipso facto* annulled, leaving liberty to the Arresting Officer, to forthwith arrest them, and, to thereafter, produce the bail applicants, before the learned Magistrate concerned, for appropriate directions, *vis-a-vis*, an order of judicial custody being made, upon them.

8. Consequently, with condition (supra), the instant petition is allowed, and the bail applicants – petitioners are ordered to be released from judicial custody, on their 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 their not

tampering with prosecution evidence, and/or not influencing prosecution witnesses, and, also their appearing before the trial Court concerned, as and when they are required to be making their personal appearance(s) unless validly exempted.

April 22, 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>