

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

**CRM-M No. 18678 of 2022
Date of Decision: 10.05.2022**

Rakesh Kumar and another

..... Petitioners

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Balraj Gujjar, Advocate,
for the petitioners.

Mr. Tanuj Sharma, Assistant 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. 42 of 06.03.2022, which was registered against them, at Police Station Bhattu Kalan, District Fatehabad, constituting therein offences under Sections 379-A, and, 34 of the Indian Penal Code, 1860.
2. The bail applicants-petitioners are stated to be suffering judicial incarceration since 06.03.2022.
3. 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. 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.

4. Bearing in mind the afore made submission, and, keeping in view the fact that the petitioners are in custody since 06.03.2022, therefore, 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.

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

6. 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.

7. 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.

May 10, 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>