

In the High Court of Punjab and Haryana at Chandigarh

CRM-M No. 18800 of 2022

Date of Decision: 11.5.2022

Hukam Dev @ Hukam Deo Narayan

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Bharat Puri, Advocate
for the petitioner.

Mr. Sandeep Singh Deol, DAG, 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. 0005 of 10.1.2022, registered at Police Station Garhshankar, District Hoshiarpur, offences constituted under Sections 399, 402, 379-B, 482, 411 IPC, and, under Sections 25, 54, 59 of the Arms Act, are embodied.
3. The petitioner is in judicial custody since 10.1.2022, and, only if there is evidence, on record, suggestive of the fact, that during the course of investigations, the present petitioner has not, at his instance, effectuated the relevant recovery, to the investigating officer concerned, or if there is evidence displaying that in the event of bail, being granted to the bail applicant-petitioner, there is a likelihood of his being fleeing from justice, and, tampering with the prosecution evidence, thereupon, alone this Court would become constrained to not grant indulgence of regular bail to the bail applicant-petitioner.

by the investigating officer concerned, submits, that all the relevant recoveries, inasmuch as of a country made pistol, and, three live cartridges have been effected, to the investigating officer concerned, by the petitioner. He further submits, that after completion of investigations into the FIR (supra), an affirmative report under Section 173 Cr.P.C., has been instituted before the learned Magistrate concerned. Therefore, this Court does not deem it fit, and, appropriate to prolong the judicial incarceration of the petitioner, as, thereupon his personal liberty would become unnecessarily fettered, and, curtailed. Moreso, when no evidence is adduced before this Court by the prosecution, suggestive of the fact, that in the event of the petitioner, becoming admitted to regular bail, there is every likelihood of his fleeing from justice, and, tampering with the prosecution evidence.

5. 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 ₹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 learned trial Court concerned, as and when directed to make his personal appearance, unless validly exempted.

6. Copy dasti.

(SURESHWAR THAKUR)
JUDGE

May 11, 2022
Gurpreet

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