

209 **IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-17103-2022 IN/AND
CRM-M-23777-2021
Date of decision:17.03.2022

SONU ALIAS TINU

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Sajjan Singh, Advocate for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

SURESHWAR THAKUR, J. (ORAL)

CRM-17103-2021

The instant application has been filed for seeking exemption from filing Court fee alongwith original power of attorney.

For good, and, valid reasons the same is allowed, subject to all just exceptions.

Main case

1. FIR No.32 of 01.02.2020, constitutes therein offences under Sections 392, 397, 394, 307, 120-B, 379-B of IPC, and, under Section 25 of Arms Act, and, is lodged at Police Station Meham, District Rohtak, 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 relief for being ordered to be released from judicial custody.

3. The incriminatory role, as attributed to the bail applicant, is qua his alongwith co-accused Vakil, Sachin, Sohan alias Sonu, and, Ashish hence committing the afore offences.

4. The learned State counsel on instructions meted to him by SI Nafe Singh submits, that the bail applicant is in judicial custody, since 08.04.2020. He further submits, that all the relevant investigations into the FIR (supra) are complete, inasmuch as all the relevant recoveries have been effected, at the instance of the bail applicant-petitioner, to the investigating officer concerned.

5. Bearing in mind the afore statement made at the bar by the learned State counsel, and, also when this Court through an order made on 24.02.2022, upon CRM-M-41332 of 2021, has admitted one Ashish, to regular bail, in his afore petition cast under Section 439 Cr.P.C. Thereupon, when the role of the present bail petitioner is similar to the one attributed to the co-accused/bail applicant (supra), hence he is entitled to a similar thereto treatment.

6. However, he submits that since the accused bail applicant, is a habitual offender, hence, the facility of regular bail, as craved for, in the instant application, be not accorded to him.

7. 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.

8. Consequently, it is not necessary to prolong the judicial incarceration of the bail applicant, as thereupon his personal liberty will come to unnecessarily fettered, and, curtailed. 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 ₹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.

9. Copy dasti.

17.03.2022

ithlesh

Whether speaking/reasoned:-

Whether reportable:

(SURESHWAR THAKUR)
JUDGE

Yes/No

Yes/No