

224

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

CRM-M-22399-2022

Date of decision: 26.05.2022

DALBIR SINGH @ BHOLA

...Petitioner

Versus

THE STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

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

Mr. Harpreet Singh Multani, AAG, Punjab

SURESHWAR THAKUR, J. (ORAL)

1. The instant petition has been filed under Section 439 of Cr.P.C., wherein the present bail petitioner seeks indulgence of regular bail.

2. FIR No.53 of 05.03.2022, constitutes therein an offence under Section 25 of Arms Act, and, is lodged at Police Station Model Town, District Hoshiarpur, wherein the commission of incriminatory offences are attributed to the bail petitioner.

3. Though, the learned State counsel submits, that all the relevant recoveries have been effected, at the crime site, from the alleged conscious, and, exclusive possession of the present bail petitioner, and, though he also submits, that the recovery of the crime vehicle bearing No.HR51(T)CF3604, colour black, has also been made. However, he vehemently opposes the indulgence of regular bail being granted to the present bail petitioner, as he is a habitual offender, and, in case the petitioner is admitted to bail, there

is every likelihood of his re-indulging in the commission of crime.

4. Furthermore, he further submits, that the petitioner is a hardcore gangster, and, that in case he is admitted to regular bail, thereupon there is every likelihood of his tampering with prosecution evidence, and/or, influencing the prosecution witnesses. Therefore, he contends, that the instant bail petition be dismissed.

5. 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.

6. In aftermath, it is not necessary to prolong the judicial incarceration of the present bail petitioner. 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, also his not influencing prosecution witnesses, and, besides his appearing before the trial Court concerned, as and when directed to make his personal appearance unless validly exempted. 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. Moreover, if it is brought to the notice of the investigating officer concerned, that if any of the prosecution witnesses are being threatened or the prosecution evidence is being attempted to be tampered with, thereupon, he shall intimate the learned State counsel, and, the latter shall proceed to make a motion before this Court, for rescinding the indulgence of regular bail granted to the present bail petitioner.

7. Copy dasti.

26.05.2022

ithlesh

(SURESHWAR THAKUR)
JUDGE

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