

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

**CRM-M No. 24114 of 2022
Date of Decision: 02.06.2022**

Gourav @ Gora

..... Petitioner

Versus

State of U.T., Chandigarh

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Harpal Singh, Advocate for
Ms. Ekta Sharma, Advocate
for the petitioner.

Mr. Kuldeep Tiwari, Additional Public Prosecutor, Chandigarh

SURESHWAR THAKUR, J. (ORAL)

1. The petitioner, by filing the present petition cast under Section 439 Cr.P.C., seeks grant of regular bail in case FIR No. 02 of 06.01.2022, which was registered against him, at Police Station Manimajra, Chandigarh, constituting therein offences under Sections 380 & 457 of the IPC.
2. The bail applicant-petitioner is stated to be suffering judicial incarceration since 09.01.2022.
3. The learned counsel appearing for the U.T., Chandigarh, on instructions, meted to him, by the Investigating Officer (IO) concerned, submits that the bail applicant has ensured the effectuation of the relevant recovery, to the IO concerned, and, that no further cooperation of the bail applicant / petitioner, is required, in the relevant investigations.
4. Bearing in mind the afore made submission, and, keeping in view the fact that the petitioner is in custody since 09.01.2022, and, also when no evidence has been adduced by the prosecution, at this stage,

suggesting that in the event of the bail applicant being enlarged on

anticipatory bail, there is every likelihood of his fleeing from justice, and, or, tampering with prosecution evidence. Therefore, this Court does not deem it fit to order for any prolongation of the judicial incarceration of the petitioner, as, thereupon, his personal liberty would become unnecessarily curtailed and fettered. Contrarily, it is deemed appropriate to admit to bail, the bail petitioner.

5. However, the learned State Counsel opposes the grant of bail to the bail applicant, on the ground that the bail applicant is a habitual offender.

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

7. Consequently, with condition (*supra*), the instant petition is allowed, and the bail applicant – petitioner is ordered to be released from judicial custody, on 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/or not influencing prosecution witnesses, and, also his appearing before the learned trial Court concerned, as and when he is required to be making his personal appearance unless

validly exempted.

June 02, 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>