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

CRM-M-29533-2022

Date of decision: 18.07.2022

DEEPAK

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Ritesh K. Sharma, Advocate
for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab

SURESHWAR THAKUR, J. (ORAL)

1. The instant petition has been filed under Section 439 of Cr.P.C., where through the present bail petitioner seeks indulgence of regular bail being accorded to him.
2. FIR No.0102 of 26.10.2021, constitutes therein offences under Sections 379-B/34 of IPC (later on added Sections 379, 411, 482, 148, 149 of IPC) (offence under Section 34 of IPC deleted later on), and, is lodged at Police Station Lambran, District Jalandhar, therein the commission of the incriminatory offences are attributed to the bail petitioner.
3. The learned State counsel on instructions, given to him by ASI Karnail Singh submits, that the present bail petitioner has ensured the makings of all the relevant recoveries, in respect of the crime, to the investigating officer concerned.
4. Be that as it may, and, also when the judicial incarceration of the accused has commenced since 26.10.2021, hence this Court does not deem it fit,

and, appropriate to prolong it any further, as thereupon his personal liberty would become unnecessarily fettered, and, curtailed.

5. The learned State counsel vehemently opposes the grant of regular bail to the petitioner, and, submits that the indulgence of regular bail may not be accorded to the present bail petitioner, as he is a habitual offender, and, in case he becomes admitted to regular bail, thereupon, there is every likelihood of his fleeing from justice, and, tampering with prosecution evidence, and, also his influencing prosecution witnesses, besides his re-indulging in criminal activities.

6. 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*), as becomes reared by the learned State counsel.

7. Consequently, it is not necessary to prolong the judicial incarceration of the bail petitioner-applicant. The instant petition is allowed, and, the bail petitioner-applicant is ordered to be released from judicial custody. However, the granting of bail to the bail petitioner-applicant, 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 unless validly exempted. Further, subject to the 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, 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.

8. Copy dasti.

18.07.2022

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(SURESHWAR THAKUR)
JUDGE

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