

218

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

CRM-M-26871-2022

Date of decision: 11.07.2022

MANINDERJIT SINGH ALIAS MANI

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Saurav Bhatia, 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., wherethrough the present bail petitioner seeks indulgence of regular bail being accorded to him.

2. FIR No.5 of 10.01.2022, constitutes therein offences under Sections 399, 402, 379-B, 482 of IPC, and, under Section 25 of Arms Act (under Section 411 of IPC added later on), and, is lodged at Police Station Garhshankar, District Hoshiarpur, thereins the commission of the incriminatory offences are attributed to the bail petitioner.

3. The accused alongwith other co-accused, and, with each sharing a common *mens-rea* are alleged to, through user of incriminatory weapons, of offence, make an attempt to commit the offence of robbery.

4. Be that as it may, since the learned State counsel on instructions, given to him by ASI Rakesh Kumar submits, that the incriminatory weapon of offence, as allegedly wielded, at the crime site, by the present bail petitioner has been recovered, at his instance, to the investigating officer concerned,

thereupon, since the judicial incarceration of the accused has commenced since 10.01.2022, 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. Since, as above stated the accused along with other co-accused attempted to commit the offence of robbery, which obviously, did not consummate, yet the learned State counsel 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 **₹1 lac** 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.

11.07.2022

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(SURESHWAR THAKUR)
JUDGE

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