

207 (2 cases)

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

(1)

**CRM-M No. 34010 of 2021
Date of Decision: 16.03.2022**

Vinay

..... Petitioner

Versus

State of Haryana

..... Respondent

AND

(2)

CRM-M No. 51115 of 2021

Ishwar

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. R.S. Mamli, Advocate,
for the petitioner (in CRM-M-34010-2021)

Ms. Jigyasa Tanwar, Advocate,
for the petitioner (in CRM-M-51115-2021)

Mr. Pradeep Prakash Chahar, Deputy Advocate General, Haryana
assisted by SI Babu Lal.

(Through Video Conferencing)

SURESHWAR THAKUR, J. (ORAL)

1. This order shall dispose of the present two petitions, seeking grant of regular bail to the petitioner(s), as both, arise from a common FIR No. 285 of 07.04.2021, registered against the present bail applicant(s) - petitioner(s), at Police Station Shivaji Nagar, Gurugram, constituting therein offences, under Sections 379-A, 34 of the IPC (Section 201 of the IPC added later on).

2. The bail applicant(s)-petitioner(s) are stated to be suffering judicial incarceration since 02.06.2021.

3. Both the bail applicant(s) – petitioner(s) are alleged to snatch the jewellery bag held at the relevant time, by the complainant.

4. Moreover, though the co-accused is alleged to also snatch the mobile phone of the complainant, and, to also snatch cash worth Rs. 5,000/-. However, the learned State Counsel, on instructions, meted to him, by SI Babu Lal, Investigating Officer (IO), submits that the effectuation of recovery, at the instance of the accused, to the IO concerned, is only of snatched jewellery, but the recovery of mobile phone, and, of cash worth Rs. 5,000/- remains uneffectuated, to the Investigating Officer concerned, inasmuch as the mobile phone becoming thrown into a water canal, and, the sum of Rs. 5,000/- becoming spent by the petitioners. Therefore, an offence under Section 201 of the IPC, becoming added in the FIR (supra).

5. Be that as it may, since the recovery at the instance of the petitioners, to the IO, rather of jewelry has been effected, and, also when the investigations are complete, leading to the institution of an affirmative report, under Section 173 of the Cr.P.C., by the IO concerned, before the learned trial Judge concerned, and, thereafter, the learned trial Judge concerned, also drawing the charge(s) against the petitioners, for theirs committing offences (supra), besides also keeping in view the fact that the petitioners are in custody since 02.06.2021, hence this Court does not deem it fit to order for any prolongation of the judicial incarceration of the petitioners. Contrarily, it is deemed appropriate to admit to bail, the bail petitioners.

6. However, the learned State Counsel opposes the grant of bail to the bail applicants, on the ground that both the bail applicants are habitual offenders, inasmuch, as they are involved in other criminal cases also.

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

8. Consequently, with condition (supra), the instant petitions are allowed, and the bail applicants – petitioners are ordered to be released from judicial custody, on their 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 their not tampering with prosecution evidence, and/or not influencing prosecution witnesses, and, also their appearing before the trial Court concerned, as and when they are required to be making their personal appearances unless validly exempted.

March 16, 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>