

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

CRM-M No. 41767 of 2021

Date of Decision: 09.03.2022

Kamal

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Deepinder Singh Walia, Advocate,
for the petitioner.

Mr. Pradeep Prakash Chahar, Deputy Advocate General, Haryana

SURESHWAR THAKUR, J. (ORAL)

1. The petitioner, by filing the present petition under Section 439 Cr.P.C., seeks grant of regular bail in case FIR No. 257 of 12.05.2021, which was registered against him, at Police Station HTM, Hisar, District Hisar, constituting therein offences under Sections 454, 380 of the IPC.

2. The bail applicant-petitioner is stated to be suffering judicial incarceration since 26.05.2021.

3. The learned State Counsel, on instructions, meted to him, by the Investigating Officer (IO) concerned, submits that the bail applicant has ensured, at his instance, the effectuations of the relevant recovery, to the IO concerned. He also submits that the entire investigations in the FIR (supra) are complete.

4. Bearing in mind the afore made submission, and, keeping in view the fact that the petitioner is in custody since 26.05.2021, hence this Court does not deem it fit to order for any prolongation of the judicial incarceration of the petitioner. 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 an habitual offender, inasmuch, as he is involved in nine other criminal cases.

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 trial Court concerned as and when he is required to be making his personal appearance unless validly exempted.

March 09, 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>