

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

209

CRM-M-47290-2021

Date of decision: 10.08.2022

VIKRAMJIT SINGH @ BIKRAMJEET @ VICKYPetitioner

Versus

STATE OF HARYANARespondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present : Mr. K.S.Bal, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

SURESHWAR THAKUR, J. (ORAL)

1. The instant petition has been filed under Section 439 of Cr.P.C., wherein, the petitioner craves for indulgence of regular bail becoming granted to him, in respect of FIR No. 297 dated 08.08.2019 registered at Police Station Civil Lines, District Jind, wherein, offences constituted under Sections 341, 365, 392 of the IPC and Sections 25/54/59 of the Arms Act, are embodied.

2. In the petition FIR, an allegation is carried that certain unknown persons came in Swift Dezire Car, and, stopped the Creta car of the victim, at the crime site, and, thereafter one amongst the accused pointed the crime pistol, at his head, and, subsequently, they took away the victim's car bearing No.HR31 Q2076, and, fled therein, from the crime site. It is also alleged in the FIR that the accused also snatched the wallet, ATM and mobile phone of the victim.

3. Though, in the FIR, the victim does not name the accused, nor, he describes their key characteristic features for enabling his identifying the accused in a test identification parade, if any, as, may be conducted by the investigating officer concerned, but even if the above key characteristic attributes of the accused are not narrated in the FIR, and, also if no valid test identification parade became conducted, by the investigating officer concerned. Nonetheless, since it is stated, at the bar, by the learned State Counsel, on instructions given to him, by S.I.Baljit Singh, that in another FIR, the accused were put to custodial interrogation, and, during the course of their custodial interrogation, they ensured the makings of the recovery of the victim's snatched Creta car, to the investigating officer, thereupon, the above non description of the key characteristic features of the accused, by the victim, in the FIR, does not hold any significance.

4. Moreover, since at this stage, no evidence has been adduced by the prosecution, suggestive that in the event of the bail petitioner being admitted to regular bail, there is every likelihood of his fleeing from justice or tampering with prosecution evidence, or influencing prosecution witnesses, besides when the present bail petitioner stepped into judicial custody, on 26.10.2020, therefore, his judicial incarceration is not required to be any further prolonged, as thereupon, his personal liberty would become unnecessarily fettered, and, curtailed.

5. However, the learned State Counsel, has vehemently opposed the application, on the ground, that the bail applicant-petitioner is a habitual offender, thereupon there is every likelihood of

the bail applicant-petitioner abusing the facility of bail, as may become accorded to him, besides there is also a possibility of his influencing the prosecution witnesses, and, tampering with prosecution evidence, and, also his re-indulging in criminal activities. However, the vigour of the afore made submission, of the learned State Counsel, before this Court, can be mitigated, by imposition of stringent conditions, upon the bail applicant-petitioner.

6. Consequently, the instant petition is allowed, and, the petitioner-bail applicant is ordered to be released from judicial custody. However, the granting of bail to the bail applicant-petitioner, is subject to his furnishing personal and surety bonds in the sum of Rs.1,00,000/- each, before the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned, and, also subject to his not tampering with prosecution evidence, and, also 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.

7. Further, subject to 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, that, 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. However, the above order shall take effect only, if the

present bail petitioner is not in custody in any other FIR.

9. The afore observations are meant only for the disposal of the present petition, and, shall not affect the merits of the trial arising from FIR (supra).

10.08.2022
kavneet singh

(SURESHWAR THAKUR)
JUDGE

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