

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.

203

CRM-M-47800-2021
Date of decision: 06.08.2022

SANDEEP @ CHOTA

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present : Mr. Ankit Chahal, Advocate
for the petitioner.

Mr. Sumit Gupta, Addl. A.G., Haryana
for the respondent-State.

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. 83 dated 25.03.2018 registered at Police Station Civil Lines, District Sonapat, wherein, offences constituted under Sections 379- B of the IPC (Sections 392, 397 and 411 IPC added later on), are embodied.

2. The present bail petitioner along with the other co-accused is alleged to, at the crime site, snatch the mobile phone of the victim, and, also to snatch his car. In committing the above penal acts, the prosecution alleges, that at the crime site, the present petitioner was wielding a .315 bore country made pistol, hence carrying in its

magazine live catridges, co-accused Madan @ Teetu was unarmed, but Vishal @ Vishu was wielding a pistol, and, Abhishek was wielding a *kulhari*.

3. Learned State counsel on instructions given to him, by SI Ramesh Kumar submits, that during the course of investigations being made in the petition FIR, the investigating officer concerned, has recovered at the instance of the respective accused, the weapons of offence, which they were wielding at the crime site, and, also further states that the recovery of the snatched mobile, besides, of the snatched car, has also been effected, to the investigating officer concerned, by the accused concerned.

4. In consequence, when the investigations into the petition FIR are complete, and, when all the relevant recoveries, are, submitted by the learned State Counsel, to become effected to the investigating officer, besides when, 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 18.08.2018, 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, 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. 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).

06.08.2022
kavneet singh

(SURESHWAR THAKUR)
JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No