

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

CRM-M-102-2022

Date of decision:11.01.2022

MUTAHIR @ BACHI

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Bhupender Singh, Advocate for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

SURESHWAR THAKUR, J. (ORAL)

1. FIR No.449 of 30.07.2021, constitutes therein offences under Section 379-B IPC 1860, and, Sections 25/54/59 of Arms Act, 1959, is lodged at Police Station Gharaunda, District Karnal, therein the incriminating offences are attributed to be committed by the bail applicant.

2. In pursuance to the afore lodged FIR at the Police Station (supra), the bail applicant is in judicial custody. Consequently, through the instant application cast under Section 439 of the Cr.P.C., he claims for being released from judicial custody.

3. Learned State counsel fairly submits before this Court that the bail applicant is suffering incarceration for about 5 months, and, also submits that the investigation into the offences (supra), is complete, and, that challan has been filed before the learned trial Magistrate concerned. Furthermore, since he also submits that all the relevant recoveries have effected at the instance of the bail applicant, to the investigating officer concerned. Therefore, this Court does not deem it fit and appropriate to prolong the judicial incarceration of the bail applicant.

4. However, he submits that since the accused bail applicant, is a

habitual offender, hence, the facility of regular bail, as craved for, in the instant application, be not accorded to him.

5. 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*), reared by the learned State counsel.

6. Consequently, it is not necessary to prolong the judicial incarceration of the bail applicant. 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 ₹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, his not influencing prosecution witnesses, and, besides also his appearing before the trial Court concerned, as and when directed to make his personal appearance. 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 remain be *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.

5. Copy dasti.

(SURESHWAR THAKUR)
JUDGE

11.01.2022

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Whether speaking/reasoned:-

Yes/No

Whether reportable:

Yes/No