

CRM-M-16642-2024

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

(250)

CRM-M-16642-2024

Date of Decision:- 10.04.2024

Manpreet Singh @ Mani

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Damanjit Sandhu, Advocate for
Mr. Monty Goyal, Advocate
for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

ALOK JAIN, J. (Oral)

1. The present petition has been filed *inter alia* praying for grant of regular bail to the petitioner in case FIR No. 216 dated 01.11.2022, under Section 379-B of the Indian Penal Code, 1860 (Section 34 and 201 IPC added later on), registered at Police Station Sadar, Jagraon, Police Commissionerate Ludhiana, District Ludhiana (Annexure P-1).

2. Learned counsel for the petitioner submits that the petitioner was in custody since 15.03.2023 in some other FIR, when he was nominated in the present FIR and was arrested in the present case on 26.05.2023. He further submits that the FIR was against two unknown persons. Be that as it may, the activa allegedly stolen has already been recovered, coupled with the fact that the petitioner is in custody for the last 10 months and 19 days (as per the custody certificate), therefore, he be granted the concession of regular bail.

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3. Learned State counsel vehemently opposes the grant of the said concession and submits that the petitioner is a habitual offender as there are three other FIRs for the same offence. He further submits that, in fact, in one of the FIRs under Section 379 and 411 IPC, the petitioner was convicted for 05 months, the custody period of which he has already undergone.

4. At this stage, learned counsel for the petitioner has submitted that the petitioner shall deposit a sum of Rs. 1,00,000/- as surety to demonstrate his *bona fide*.

5. In light of the above, the present petition stands allowed, and the petitioner is granted the concession of regular bail, however, subject to the volunteered statement of the petitioner to deposit a sum of Rs. 1,00,000/- in the trial Court, which shall be kept in the fixed deposit till the conclusion of the trial.

6. The petitioner is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned. He shall, however, be released on the following conditions:

- i. The petitioner shall declare his ordinary place of residence and the mobile number used by him.
- ii. The petitioner will not switch off his mobile and in case of any technical glitch, he has to give an alternate number, which will be available in his absence.
- iii. The petitioner will mark his presence before the SHO concerned, after every 15 days and in case the SHO refuses to mark his presence, he is permitted to make an application before the Illaqa

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Magistrate, concerned.

- iv. The petitioner will not leave the country without the prior permission of the Court, for which he will submit the copy of his passport also.

The petitioner shall abide by the terms and conditions as imposed in addition to Section 439 of Cr.P.C.

7. It is made clear that, in case, the petitioner is found involved in any such activity once again, the State is at liberty to promptly move an appropriate application for cancellation of bail detailing out the circumstances and violation of conditions of bail.

8. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case.

9. It is further made clear that this order shall not be construed as parity *qua* any other co-accused.

(ALOK JAIN)
JUDGE

April 10, 2024
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Whether speaking/reasoned:-	Yes/No
Whether Reportable:-	Yes/No