

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

203

CRM-M-9259-2020 (O&M)

Date of decision: 06.11.2020

Ali Hussain @ Biru

.....Petitioner

versus

State of Punjab

....Respondent

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Ms. Simsi Dhir Malhotra, Advocate for the petitioner.
Mr. Saurav Khurana, DAG, Punjab.
*(the aforesaid presence is being recorded through video
conferencing since the proceedings are being conducted in Virtual Court).*

GIRISH AGNIHOTRI, J. (Oral)

The matter has been taken up through video conferencing on account of restrictions due to outbreak of COVID-19 pandemic.

Petitioner – Ali Hussain @ Biru, stated to be aged 35 years, has filed the present petition under Section 439 CrPC *inter alia* praying for grant of regular bail in case FIR No.46 dated 27.05.2019 under Sections 302, 120-B IPC, registered at Police Station Chabbewal, District Hoshiarpur.

Learned counsel for the petitioner based on pleadings submits that the petitioner is not named in the FIR. The FIR is lodged by the complainant-Amarjit Kaur, who is stated to be daughter of the deceased. Subsequently, name of Ali Hussain @ Biru, the present petitioner was added on the ground that the car was actually owned by the petitioner. Learned counsel for the petitioner further submits that Annexure P-5, which is allegedly an affidavit given by Davinder son of Dalvir Chand, cannot be said to be

authenticate, as it has not been attested/notarized. Learned counsel then submits that Annexures P-3 and P-4 are statements of the complainant-Amarjit Kaur and her husband-Bawa Singh. She submits that perusal of the statements would show that both the complainant as well as her husband have turned hostile.

Learned State counsel, on instructions submits that the challan in this case was presented on 25.08.2019. There are total of 24 witnesses and only 8 witnesses have been examined till date.

Faced with the situation, learned counsel for the petitioner submits that the petitioner is a young man aged 35 years. Learned counsel then submits that due to the present COVID-19 situation, detention of the petitioner in jail is dangerous to his life, therefore, petitioner may be granted concession of regular bail.

In view of the peculiar facts as noticed above, considering the existing situation due to COVID-19 and the fact that trial is likely to take some time, this Court deems it appropriate to direct the release of the petitioner on regular bail subject to his furnishing adequate **bail bonds/surety bonds** to the satisfaction of the Duty Magistrate/trial court concerned.

However, it is made clear that anything observed herein shall not be construed as an expression on merits of the case.

(GIRISH AGNIHOTRI)
JUDGE

06.11.2020
jyoti3

Whether speaking/ reasoned: Yes/No
Whether Reportable: Yes/No