

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

205

CRM-M-8815-2020 (O&M)

Date of decision: 11.09.2020

Harpal Singh @ Pali

.....Petitioner

versus

State of Punjab

....Respondent

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. Liaqat Ali, Advocate,
for the petitioner.

Ms. Rashmi Attri, AAG, Punjab.

GIRISH AGNIHOTRI, J. (Oral)

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

Petitioner-Harpal Singh @ Pali, stated to be aged 45 years, has filed the present petition *inter alia* praying for grant of regular bail in case FIR No.279 dated 10.08.2018, under Sections 420, 465, 467, 468, 471 of IPC, registered at Police Station Division No.5, District Police Commissionerate Ludhiana.

Records of the case show that the case was initially listed on 03.06.2020. Thereafter, on 18.08.2020, the petitioner was directed to file specific affidavit.

Vide CRM-21472-2020, prayer has been *inter alia* made to take on record the affidavit as Annexure P-3, Medical Certificate as Annexure P-4 and other documents as Annexures P-5 and P-6.

Documents as Annexures P3 to P6 are taken on record.

Accordingly, the **application** is **allowed**.

Annexure P-3 is the affidavit of wife of the petitioner, which is reproduced as under:-

“I, Kamaljit Kaur W/o Harpal Singh @ Pali resident of Village Talwandi Rai, P.S. Sadar Raikot, Tehsil Raikot, District Ludhiana.

1. That the police had registered a false NDPS case against the deponent's husband namely Harpal Singh and other person in FIR No.27 of 2017. That case the deponent's husband facing the trial in the abovesaid case. During the pendency of that case the deponent is suffering for Carcinoma Breast Cancer. The deponent's husband is busy for look after the deponent (wife) and petitioner took her wife/deponent into different hospital for the treatment and petitioner also suffering for Kidney problem due to this reason he could not appear in the Trial Court. The deponent's husband not good relation with his brother namely Nirpal Singh because he is fraudly change the ancestor land in his name without showing the LRs of Gurdev Singh (father of the petitioner and Nirpal Singh). Due to this enmity they provide a false information to the counsel of the deponent's husband that the Harpal Singh @ Pali is died.

2. That now the other side the trial Court acquitted the other co accused namely Harbans Singh @ Vicky in the same NDPS case due to prosecution has failed to prove the case against the accused Harbans Singh beyond reasonable shadow of doubt. The same evidence against the petitioner.”

Learned State counsel, on instructions, submits that the investigation is complete and challan has been presented. There are total of 13 witnesses but none has been examined till date. It is further submitted that the petitioner is involved in another case of NDPS Act i.e. FIR No.27 of the year 2017.

Faced with the situation, learned counsel for the petitioner

submits that it was in the other case itself i.e. FIR No.27 of 2017 the petitioner was granted regular bail. While the petitioner was on regular bail, as submitted in the affidavit by the wife of petitioner, the brother of the petitioner wrongly gave the false information that husband of the deponent i.e. the present petitioner, has died and this has resulted in lodging of the present FIR. He submits that his wife is cancer patient as is evident from the Medical Certificate (Annexure P-4). He further submits that the petitioner is not likely to abscond. Learned counsel, however, submits that he has instructions from his client that the petitioner is ready to get an FDR made worth Rs.1 lakh (in the name of petitioner) and shall deposit the same with the Trial Court/Duty Magistrate as security with an undertaking that he will not encash the same, till the decision of the Trial Court and shall further await the orders of the Trial Court. The petitioner would also give an undertaking that in case, he is found involved and found guilty in any subsequent case, the said amount as aforementioned shall be forfeited and deposited in the Government Treasury.

In view of the peculiar facts as noticed above, considering the existing situation due to COVID and the fact that trial is likely to take time, this Court deems it appropriate to release the petitioner on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned, subject to his furnishing bail bonds/surety bonds. However, it is made clear that anything observed herein shall not be construed as an expression on merits of the case.

In addition to the bail/surety bonds, in pursuance to the offer made by counsel for the petitioner, the petitioner would deposit Rs.1 lakh in the shape of FDR (made in his own name) with the Trial Court/Duty Magistrate concerned. The petitioner would also give an undertaking that he

will not encash the said FDR, till the conclusion of the trial. This undertaking be also sent to the concerned Bank. The petitioner would also give an undertaking that in case, he is found involved and found guilty in any subsequent case, the said amount as aforementioned shall be forfeited and deposited in the Government Treasury. The said amount shall be without prejudice to defence of the petitioner before the trial Court.

The petition stands disposed of accordingly.

(GIRISH AGNIHOTRI)
JUDGE

11.09.2020

jyoti3

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