

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-10543-2020 (O&M)

Date of Decision: 21.08.2020

Kavi Bisht

... Petitioner

VS.

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE GIRISH AGNIHOTRI

Present: Ms. Aditi Sheoran, Advocate for the petitioner

Mr. Rajiv Goel, DAG Haryana

GIRISH AGNIHOTRI, J. (Oral)

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

CRM-20065-2020

Notice of the application.

Mr. Rajiv Goel, DAG Haryana accepts notice through video conferencing. He has no objection if the application for preponement is allowed.

For the reasons mentioned in the application, the same is allowed and the date of hearing is preponed from 27.11.2020 to today.

With the consent of learned counsel for the parties, the main case is taken up for final disposal.

CRM stands disposed of.

CRM-20067-2020

Allowed as prayed for.

Document (P3) is taken on record subject to all just exceptions.

CRM stands disposed of.

Main case

The petitioner Kavi Bisht aged 27 years has filed the present

dated 11.05.2019 under Sections 379-B/120-B/201/411 IPC, registered at PS Sector 5, Panchkula.

Learned counsel for the petitioner submits that the main case is fixed for 27.11.2020. The petitioner was arrested on 15.05.2019 and has already undergone more than 1-year and 3-months of custody. She further submits that the petitioner has young daughter who is 18 months' old and a wife. He is earning his livelihood being a Security Guard and further detention in jail would be dangerous to his life. Along with CRM-M-20067-2020, Annexure P3 – statements of PW1, PW2, PW3, PW4 & PW5 have been appended. She then makes reference to the cross-examination of the PW1 Rachna (complainant) w/o Chanchal Kumar. She has referred to the statement in the cross-examination of the complainant to the effect that *“I could not see their faces at the time of incident. I could not identify the snatchers at the time of incident and I also could not see the registration number of the Activa Scooty...”*.

Learned State counsel submits that the challan was presented on 12.07.2019. There are a total of 15 witnesses and 5 witnesses have been examined till date. He submits that there are two more FIRs against the petitioner dated 21.04.2019 and 09.05.2019 regarding same/similar offences.

Faced with this, learned counsel for the petitioner submits that the other two FIRs are firstly prior to the present one. She submits that these FIRs have been in close proximity to the date of the present FIR. She further submits that the petitioner is earning his livelihood for him, his family and his minor daughter aged 18 months by his salary being a Security Guard.

Learned counsel for the petitioner then submits that due to the present COVID-19 situation, detention of the petitioner in jail would be

dangerous to his life and also the fact that trial is likely to take some time, the petitioner may be granted concession of regular bail.

In view of the facts noticed above and the present situation due to COVID-19, this Court deems it appropriate to direct release of the petitioner on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned, subject to his furnishing bail bonds/surety bonds.

In view of the peculiar circumstances as noticed above, in addition to bail bonds/additional surety which the trial court may require the petitioner to furnish as it deems appropriate, the petitioner is directed to furnish FDR of Rs.25,000/- in his own name, valid for a period of 4 years, and give an undertaking which shall be duly sent to the Bank that the said FDR shall not be encashed/withdrawn. The said FDR shall be deposited within one month from the date of release of the petitioner before the Duty Magistrate/trial Court.

It is made clear that in case the petitioner is found involved in any subsequent FIR concerning same/similar offence, the said amount shall be forfeited and the same be deposited in the Government Treasury.

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

The petition stands disposed of accordingly.

21.08.2020

vishal shonkar

1. *Whether speaking/reasoned?*
2. *Whether reportable?*

(Girish Agnihotri)
Judge

Yes/No
Yes/No