

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

207 - CRM-M-13709-2020 (O&M)

Date of Decision: 01.09.2020

Lokesh

... Petitioner

VS.

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE GIRISH AGNIHOTRI

Present: Mr. Rohit Mittal, 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.

Petitioner - Lokesh, stated to be aged 25 years, has filed the present petition under Section 439 CrPC *inter alia* praying for grant of regular bail in case FIR No.497 dated 20.08.2019 under Sections 148/149/323/325/365/379-B/506 IPC and Sections 25/54/59 of Arms Act, 1959 registered at PS City Narnaul, District Mahendergarh.

Learned counsel for the petitioner, at the outset, submits that the co-accused Kuldip @ KD and Sunil @ Mota had been granted bail by this Court vide orders dated 16.06.2020 and 10.08.2020 passed in CRM-M-13729-2020 and CRM-M-19853-2020, respectively.

Learned counsel based upon the pleadings submits that there was delay in filing of the FIR. It is then submitted that the petitioner has been falsely implicated in the present case.

Learned State counsel, on instructions from SI Dharamvir, submits that the challan in this case was submitted on 04.12.2019. There are a

total of 13 witnesses and none have been examined till date. He, however, submits that the petitioner is involved in 7 other FIRs prior to the present one.

Faced with this situation, learned counsel submits that on ground of parity since the co-accused have been granted bail, the petitioner may also be granted the concession of regular bail. He submits that the petitioner was arrested on 06.09.2019 and thus has almost completed one year of custody. He 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.

In addition, the petitioner is directed get an FDR made of Rs.3.5 lakhs in his own name and shall keep the same valid/renewed till the completion of trial. The petitioner will give an undertaking that he would not encash the said FDR. The same shall be without prejudice to the defence of the petitioner before the trial Court.

It is made clear that in case the petitioner is found involved subsequently in such/similar incident and is found guilty, the FDR amount shall be forfeited and 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.

01.09.2020

vishal shonkar

(Girish Agnihotri)
Judge