

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-14557-2020 (O&M)

Date of Decision: 14.07.2020

Emanvel

... Petitioner

VS.

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE GIRISH AGNIHOTRI

Present: Mr. Rahul Bhargava, Advocate for the petitioner

Mr. BS Sewak, AAG Punjab

Mr. AN Walia, Advocate for the complainant

GIRISH AGNIHOTRI, J. (Oral)

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

The petitioner Emanvel s/o Gulzar, stated to be aged 35 years, has filed the present petition *inter alia* with a prayer for grant of regular bail in case FIR No.41 dated 26.03.2018 under Sections 419, 420, 465, 467, 468, 471 & 120-B IPC registered at Police Station Sultanwind, District Amritsar.

Learned counsel based on the pleadings in the petition submits that the petitioner has been falsely implicated in the case. He submits that the petitioner is a fruit vendor. He further submits that in spite the fact that the allegations are of the year 2014, the present FIR was lodged in the year 2018. It is urged that no money transaction is through negotiable instrument i.e. through bank transaction as the allegations are regarding payment only by way of cash. Counsel then submits that the challan in this case has already been presented, but, charges are yet to be framed.

The petitioner was arrested on 28.02.2020. He further submits that the trial is likely to take some time due to the present COVID situation.

Learned State counsel and counsel for the complainant, however vehemently opposed the bail. They submit that there are two FIRs which were earlier filed against the petitioner and they also submit that the petitioner is a habitual of committing such offence.

Faced with the situation, learned counsel for the petitioner submits that the said two FIRs stand quashed. He submits that due to the present COVID situation, his detention in jail would be dangerous to his life.

In view of the peculiar facts and circumstance 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 direct release of the petitioner on regular bail to the satisfaction of trial Court/Duty Magistrate concerned. In addition to the above, the petitioner shall deposit an FDR in his name (valid for minimum two years) for an amount of Rs.8,00,000/- or the original papers of any other immovable property worth Rs.8,00,000/- with the trial Court, to await further orders. 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.

14.07.2020

vishal shonkar

(Girish Agnihotri)
Judge

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

Yes/No
Yes/No