

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-15053-2020 (O&M)

Date of Decision: 15.06.2020

Gurnaib Singh

... Petitioner

VS.

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE GIRISH AGNIHOTRI

Present: Mr. Dheeraj Mahajan, 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 lockdown due to outbreak of pandemic COVID-19.

Petitioner-Gurnaib Singh filed the present petition *inter alia* praying for anticipatory bail in case FIR No.32 dated 15.03.2020 under Sections 188 IPC, 21(1) and 4(1) of the Mines and Minerals (Regulation of Development) Act, 1957 registered at PS Nurupur Bedi, District Rupnagar.

Counsel submits that the petitioner was merely a driver of the vehicle. The co-accused, namely, Kulvir Singh was arrested and vide order dated 18.03.2020 he has been granted regular bail by the trial court.

Notice of motion.

On the asking, Ms. Rashmi Attri, AAG, Punjab accepts notice through video conferencing.

On a question put by the Court, learned State counsel submits that in fact Kulvir Singh had named the petitioner being a driver who had actually fled away from the scene.

Learned counsel for the petitioner submits that because of COVID situation also, retaining of the petitioner behind the bars would be dangerous to his life.

Without commenting upon the merits of the case and without recording any opinion, in the peculiar facts and circumstances of the present case, this anticipatory bail petition is disposed of with a direction to the petitioner to join the investigation and appear before the Investigating Officer. The petitioner shall continue to join the investigation as and when required by the IO.

The petitioner is directed to furnish Rs.50,000/- as security with the Investigating Officer. This amount would be in addition to other bail bonds/surety that the IO may require.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal/surety bonds to the satisfaction of the Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438(2) CrPC.

It is made clear that in case the petitioner commits any default, the prosecution is free to move an application for cancellation of bail.

The petition stands disposed of accordingly.

15.06.2020

vishal shonkar

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

(Girish Agnihotri)
Judge

Yes/No
Yes/No