

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

206

CRM-M-16785-2020

Date of decision: 04.09.2020

Balpreet Singh @ Butta

.....Petitioner

versus

State of Punjab

....Respondent

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. Naveen Sharma, Advocate,
for the petitioner.
Mr. Sukhbeer Singh, Asstt. A.G., 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-Balpreet Singh @ Butta, stated to be aged 29 years, has filed the present petition *inter alia* praying for grant of regular bail in case FIR No.61 dated 10.05.2019 under Sections 323, 324, 341, 307, 506 of IPC, registered at Police Station Doraha, Police District Khanna, District Ludhiana.

Learned counsel for the petitioner submits that the petitioner was arrested on 10.05.2019. He then submits that in fact petitioner has a good prima facie case on merits because the complainant party was allegedly the assailant at the time of incident, which will be evident from the CCTV footage.

Learned State counsel, on instructions from ASI Hardam Singh, however, submits that in compliance of order dated 23.07.2020, statement of injured-Bharat Sharma, has been recorded. He then submits that there are total

of 12 witnesses but only two witnesses have been examined and 10 more witnesses are yet to be examined. Next date before the trial Court is 11.09.2020. He further submits on merits that the petitioner had inflicted three injuries with sharp edge weapon and therefore, does not deserve the bail on merits.

Faced with the situation, learned counsel for the petitioner submits that considering the age of the petitioner, who is a young boy of 29 years and the fact that he has been in custody for more than one year and three months, he be released on bail. Learned counsel further submits that he has instructions from the petitioner to submit that his father would deposit Rs.50,000/- with the trial Court/Duty Magistrate concerned. The said amount be kept in the shape of FDR till the conclusion of the trial. He also submits that in case during trial, the petitioner is held guilty, the same be disbursed towards medical expenses to the injured. Learned counsel, however, submits that due to the present COVID-19 situation and also the fact that trial is likely to take some time, detention of the petitioner in jail would be dangerous to his life.

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, the father of the petitioner would deposit Rs. 50,000/- in the shape of FDR with the Trial Court/Duty Magistrate concerned, as offered by learned counsel for the petitioner. He is also directed

to 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 same shall be without prejudice to defence of the petitioner before the trial Court.

The petition stands disposed of accordingly.

(GIRISH AGNIHOTRI)
JUDGE

04.09.2020

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