

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

207

CRM-M-17510-2020 (O&M)
Date of decision: 06.10.2020

Bhupinder Singh @ Bhinda

.....Petitioner

versus

State of Punjab

....Respondent

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. J.S. Thakur, Advocate,
for the petitioner.

Mr. P.S. Walia, 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-Bhupinder Singh @ Bhinda, stated to be aged 33 years, has filed the present petition *inter alia* praying for grant of regular bail in case FIR No.69 dated 14.05.2015, under Sections 302, 34 of IPC and Sections 25/27/54/59 of Arms Act (Section 120-B, 472 of IPC added later on), registered at Police Station Goraya, District Police Jalandhar Rural.

Learned counsel for the petitioner based on pleadings, firstly submits that the petitioner is not named in the FIR. Secondly, he submits that the petitioner was arrested on 26.05.2015 and has thus, completed more than 5 years of custody. It is then submitted by the counsel that even as per the FIR, there is no allegation of any injury allegedly attributed by the petitioner.

Learned State counsel, on instructions from SI Labh Singh, submits that it is not disputed that the petitioner was arrested on 26.05.2015 and he is in custody since then. He further submits that there are total of 29 witnesses, out of which after examining 16 witnesses, 13 more witnesses are yet to be examined.

At this stage, learned counsel for the petitioner submits that the petitioner was allegedly involved in nine other cases, out of which, he stand acquitted in four cases.

Faced with the situation, learned counsel for the petitioner submits that he has instructions from the petitioner and his family members that they would submit the original papers of the property worth Rs. 4 lacs (which is in the name of the relative/family members of the petitioner) with an undertaking that they would neither alienate the said property nor create any incumbrance on the same, till further orders of the trial Court. The petitioner would also give an undertaking that he would not involve himself in any other case after the present case and in case he is found involved and found guilty in any other subsequent case (today onwards), the above said property can be confiscated and the amount so realized be forfeited in the Government Treasury.

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 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, in pursuance to the offer made by counsel for the petitioner, the petitioner would submit the original papers of the property worth Rs. 4 lacs (which is in the name of the relative/family members of the petitioner) with an undertaking that they would neither alienate the said property nor create any incumbrance on the same, till further orders of the trial Court. The petitioner would also give an undertaking that he would not involve himself in any other case after the present case and in case, he is found involved and found guilty in any other subsequent case (today onwards), the above said property shall be confiscated and the amount so realized be forfeited and deposited in the Government Treasury. The same shall be without prejudice to defence of the petitioner before the trial Court.

The petition stands disposed of accordingly.

(GIRISH AGNIHOTRI)
JUDGE

06.10.2020

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