

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

209

CRM-M-18803-2020

Date of decision: 04.09.2020

Surjeet Kumar

.....Petitioner

versus

State of Haryana

....Respondent

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. Vimal Kumar Gupta, 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 restrictions due to outbreak of pandemic COVID-19.

Petitioner-Surjeet Kumar, stated to be aged 22 years, has filed the present petition *inter alia* with a prayer for grant of regular bail in case FIR No.0102 dated 21.03.2020, registered under Sections 395, 397 & 307 of Indian Penal Code and Sections 25, 54 & 59 of Arms Act, at Police Station Tauru, District Nuh.

Learned counsel for the petitioner submits that this Court, vide order dated 26.08.2020, had directed the State counsel to place on record the Call Records showing contact of the petitioner with Ajay Pal, who is stated to be owner of the car involved in the occurrence. It is further recorded in the order that Ajay Pal is still at large. Learned counsel then makes reference to the order dated 26.06.2020, passed by the Additional

Sessions Judge, Nuh (Annexure P-2), wherein, it has been noticed that the vehicle used in the commission of crime was Indica Car, which was originally owned by Sarla Devi, but sold to Ajay Pal.

On instructions from ASI Anil Kumar, learned State counsel submits that there are 28 witnesses, but none has been examined till date. He then submits that in compliance of the order passed by this Court on 26.08.2020, an affidavit of Surender Singh, HPS, Deputy Superintendent of Police, Tauru, District Nuh, has been filed on behalf of the respondent-State. By making reference to the affidavit, it is then submitted that in Para 5 of the affidavit, it has been mentioned that call details of mobile number mentioned therein, owned by Yogesh Kumar s/o Lakhan Singh, brother of Ajay Pal and the petitioner and co-accused, were obtained from service provider.

Faced with the situation, learned counsel for the petitioner submits that the petitioner is a young boy of 22 years of age. Counsel further submits that he has instructions to submit that on behalf of the petitioner Rs.2 lacs would be deposited before the trial Court/Duty Magistrate, which can be kept as security. He then submits that if the petitioner is found guilty and involved in any other case from today onwards, the said amount shall be forfeited and deposited in the Government Treasury.

Learned counsel for the petitioner also submits that in view of the COVID situation, detention of the petitioner in jail would be dangerous to his life and also the fact that trial is likely to take some time, the petitioner may be granted concession of regular bail.

In view of the peculiar facts noticed above and the present situation due to COVID-19 and also the fact that trial is likely to take some time, this Court deems it appropriate to direct release of 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 above said bail/surety bonds, the petitioner is directed to deposit Rs.2 lacs as security to the trial Court/Duty Magistrate. It is also made clear that in case, the petitioner is found involved and found guilty in any subsequent case from today onwards, the said amount as aforementioned shall be forfeited and deposited in the Government Treasury. The said amount shall be without prejudice to the defence of the petitioner before the trial Court.

Accordingly, the present petition stands disposed of.

(GIRISH AGNIHOTRI)
JUDGE

04.09.2020

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Whether speaking/ reasoned:

Yes/No

Whether Reportable:

Yes/No