

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

209 - CRM-M-21155-2020
Date of Decision: 06.10.2020

Parveen

... Petitioner

VS.

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE GIRISH AGNIHOTRI

Present: Mr. Himansu Jawa, 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 lockdown due to outbreak of COVID-19 pandemic.

The petitioner Parveen aged 23 years has filed the present petition *inter alia* with a prayer for grant of regular bail in case FIR No.24 dated 01.04.2020 under Sections 406/420 IPC registered at PS GRP Sonipat.

Learned counsel firstly submits that a perusal of the FIR would show that he is not named in the FIR. His name has been allegedly disclosed by one of the employees of the parking contractor (*thekedar*). He, therefore, submits that the same is a concocted story with an effort to save the parking contractor. It is then submitted, by making reference to para 6 of the petition, that vehicle in question was found as a case property in FIR No.92 dated 06.03.2020 under the Excise Act at PS Narela (Delhi) with a boy, namely, Abhishek. In this case also, the petitioner was not named in the FIR but was named subsequently.

Records of the case show that on 11.08.2020, notice of motion was issued and an opportunity was granted to the State to file reply.

Learned State counsel refers to the reply dated 29.09.2020 filed by Dheeraj Kumer, HPS, DSP, HQ, GRP, Ambala Cantt. He makes specific reference to para 7 of the reply wherein the above-stated facts have been reiterated. He further submits that the investigation is complete; challan has been put up; charges have been framed on 27.07.2020 and there are a total of 21 witnesses out of which none have been examined.

Faced with this situation, learned counsel for the petitioner submits that the petitioner is a young boy aged 23 years. He is not involved in any other case except the one mentioned above. Learned counsel submits that the he has instructions from the petitioner and his family members that they would give an undertaking that the petitioner would not involve himself in any criminal case after today; they, in order to show their *bona fides*, would deposit an FDR in the name of the petitioner for an amount of Rs.2 lakhs with the trial Court.

It is then submitted that due to the present COVID-19 situation also, 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 facts noticed above, the present situation due to COVID-19 and 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.

In view of the peculiar circumstances as noticed above, in addition to bail bonds/additional surety which the trial court may further require the petitioner to furnish as it deems appropriate, in pursuance to the

offer made by his counsel, the petitioner, within one month from date of his release, would (i) give an undertaking that he would not involve himself in any criminal case after today; (ii) in order to show his *bona fides*, and as offered by his learned counsel, the petitioner would deposit an FDR for an amount of Rs.2 lakhs in his own name with the Trial Court/Duty Magistrate concerned and give an undertaking which shall be duly sent to the Bank that the said FDR shall not be encashed by anyone. It is also made clear that, in case, the petitioner is subsequently found involved and guilty in any other case (after today), the aforementioned FDR shall be forfeited and will be deposited in the Government Treasury. The same shall be without prejudice to defence of the petitioner before the trial Court.

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.

06.10.2020

vishal shonkar

(Girish Agnihotri)
Judge

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

Yes/No
Yes/No