

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

205

CRM-M-22204-2020

Date of decision: 21.08.2020

Vishal @ Gholra

.....Petitioner

versus

State of Punjab

....Respondent

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. Sandeep Verma, Advocate, for the petitioner.

Mr. Amit Mehta, Sr. DAG, Punjab.

*(the aforesaid presence is being recorded through video
conferencing since the proceedings are being conducted in Virtual Court).*

GIRISH AGNIHOTRI, J. (Oral)

The matter has been taken up through video-conferencing on account of the restrictions due to outbreak of pandemic COVID-19.

Petitioner-Vishal @ Gholra, stated to be aged 34 years, has filed the present petition under Section 439 Cr. P.C. *inter alia* praying for grant of regular bail in case FIR No.207 dated 29.09.2014, under Sections 458, 459, 395, 396, 397, 148, 149 of IPC, registered at Police Station Sohana, District SAS Nagar, Mohali.

At the outset, learned counsel for the petitioner submits that the petitioner has been in custody since 16.12.2014 continuously till date. Learned counsel then submits that the co-accused, namely Gadu Naath @ Guddu Nath and Chand @ Chand Mohammad, have already been granted bail by this Court vide order dated 12.03.2019 passed in *CRM-M No.43380 of 2018, titled as 'Gadu Naath @ Guddu Nath Vs. State of Punjab'* and order dated 28.07.2020 passed in *CRM-M No. 18685 of 2020, titled as 'Chand @*

Chand Mohammad Vs. State of Punjab', respectively.

Learned State counsel, on instructions from SI Naib Singh, submits that the impugned order passed by the Additional Sessions Judge, SAS Nagar, Mohali, is as old as 28.11.2016. He submits that the trial may have progressed.

Faced with the situation, learned counsel for the petitioner makes categorical submissions that situation as mentioned in the two orders passed by this Court on 28.07.2020 and 12.03.2019, has truly remained the same and there is no further progress in the case. He then submits that due to the present COVID-19 situation, detention of the petitioner in jail is dangerous to his life, therefore, petitioner may be granted concession of regular bail.

This Court deems it appropriate to grant bail on parity in view of the long custody of the petitioner. 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 some time, this Court deems it appropriate to direct the 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.

The petition stands disposed of accordingly.

(GIRISH AGNIHOTRI)
JUDGE

21.08.2020
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Whether speaking/ reasoned:	Yes/No
Whether Reportable:	Yes/No