

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-22629-2020 (O&M)

Date of Decision: 28.08.2020

Ranjit Singh & Anr.

... Petitioners

VS.

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE GIRISH AGNIHOTRI

Present: Mr. PS Ahluwalia, Advocate for the petitioners

Mr. Sidakmeet Singh Sandhu, AAG Punjab

Mr. Kunwar Ranjan, Advocate for the complainant

GIRISH AGNIHOTRI, J. (Oral)

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

CRM-21266-2020

For the reasons mentioned in the application, the same is allowed subject to just exceptions and the alleged incriminating evidence along with Annexure A1 filed by the complainant is taken on record.

CRM stands disposed of.

Main case

The petitioners Ranjit Singh aged 47 years and his son Ambarpreet @ Ambardeep aged 19 have filed the present petition *inter alia* with a prayer for grant of regular bail in case FIR No.215 dated 07.07.2020 under Sections 323/427/452/506/188 IPC and Section 3 of the Epidemic Diseases Act, 1897 (Section 457 IPC added later on), registered at PS City Kapurthala, District Kapurthala.

Learned counsel based upon the pleadings submits that the

petitioners being father and son, on a sudden provocation, which

unfortunately involves the wife of petitioner No.1, had allegedly gone to the house of the complainant and had caused loss to the movable/immovable properties. Learned counsel then submits that the petitioners are not the habitual offenders and there is no other case prior to this against them. He then refers to the resolution of the High Powered Committee that the Sections under which the present FIR has been registered are mentioned in the table wherein the accused can be considered to be released on bail.

Learned State counsel submits that the challan is yet to be presented.

Learned counsel for the complainant makes reference to the photographs which are appended with CRM-21266-2020 to submit that the petitioners had reached the house of the complainant and had damaged the car and other movable/ immovable properties. He submits that the entire incident has been recorded in CCTV camera installed in the house.

Faced with this situation, learned counsel for the petitioners submits that in fact it is a matter of trial wherein the CCTV camera footage can be examined. Counsel then submits that due to the present COVID-19 situation, detention of the petitioners in jail would be dangerous to their life and also the fact that trial is likely to take some time, the petitioners may be granted concession of regular bail. The petitioners would cooperate in the investigation and the trial.

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 petitioners on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned, subject to their furnishing bail bonds/surety bonds.

In addition, the petitioners are directed to deposited Rs.30,000/- each with the trial court within one month of their release. This amount be released to the complainant as interim compensation, without prejudice to their defence before the trial court. They would also get FDRs made of Rs.1 lakh each in their own name and shall keep the same valid/renewed till the completion of trial. The petitioners will give an undertaking that they would not encash the said FDRs. The same shall be without prejudice to the defence of the petitioner before the trial Court.

It is made clear that in case the petitioner(s) is/are found involved subsequently in such/similar incident and they are found guilty, the FDR amount shall be forfeited and be deposited in the Government Treasury.

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.

28.08.2020

vishal shonkar

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

(Girish Agnihotri)
Judge

Yes/No
Yes/No