

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-23498-2020 (O&M)

Date of Decision: 28.08.2020

Ankit Kumar

... Petitioner

VS.

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE GIRISH AGNIHOTRI

Present: Mr. RS Manhas, 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 Ankit Kumar aged 24 years has filed the present petition *inter alia* with a prayer for grant of regular bail in case FIR No.465 dated 10.10.2019 under Sections 148/149/307/323/379-B/427/455/506 IPC (Sections 325/302/120-B IPC added later on) registered at PS Sadar Thanesar, District Kurukshetra.

Learned counsel submits that the petitioner has not been named in the FIR. He has also not been named by the material witnesses. Learned counsel then makes specific reference to para 3 of the petition to submit that the name of the petitioner was allegedly mentioned in the disclosure statement (allegedly recorded of the petitioner). Even in the said disclosure statement, the only allegation is that the petitioner was sitting in Alto car. In para 4 of the petition, it has also been further pleaded that Vijay Kumar (the person who got some injuries) has also not named the present petitioner.

Learned State counsel, on instructions from SI Varinder Singh, submits that the petitioner was the owner of the car. The said car was used for travelling purposes by the accused. He further submits that the charges in this case were framed on 31.01.2020. There are a total of 37 witnesses out of which 26 still remain to be examined.

Learned counsel for the petitioner then submits that due to the present COVID-19 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 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, the petitioner is directed to deposit Rs.50,000/- within one month from the date of release with the Duty Magistrate/trial Court. This amount shall be treated as interim compensation towards medical expenses incurred by the injured and the same be handed over to the injured Vijay Kumar. The same shall be without prejudice to the 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.

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| 1. <i>Whether speaking/reasoned?</i> | Yes/No |
| 2. <i>Whether reportable?</i> | <i>Yes/No</i> |