

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

209 - CRM-M-23250-2020 (O&M)

Date of Decision: 07.09.2020

Manni @ Prince

... Petitioner

VS.

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE GIRISH AGNIHOTRI

Present: Mr. JS Thakur, Advocate for the petitioner

Mr. Sukhbeer, Singh, AAG Punjab

GIRISH AGNIHOTRI, J. (Oral)

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

Petitioner – Manni @ Prince, stated to be aged 28 years, has filed the present petition under Section 439 CrPC *inter alia* praying for grant of regular bail in case FIR No.16 dated 11.01.2012 under Sections 395 IPC and Section 25/54/59 of the Arms Act, 1959 registered at PS Civil Lines, District Amritsar City, Amritsar.

Learned counsel based upon the pleadings submits that in the FIR, the petitioner is not named. However, he submits that on 21.05.2016, the petitioner was declared PO. Counsel submits that the petitioner was arrested on 03.08.2017 in the present case but before that, the co-accused Manga Masih has been acquitted by the trial Court vide judgment dated 03.10.2016 passed in Sessions Case No.22 of 2014. He further submits that since the date of arrest of the petitioner till date, the challan in this case has not been presented.

On the other hand, learned State counsel, on instructions from SI Satnam, submits that the facts are slightly different than what has been

narrated. He submits that the petitioner has actually been arrested on 29.11.2019 and challan accordingly is yet to be presented. He further submits that there are 5 more FIRs registered against the petitioner.

Faced with this, counsel submits that due to the present COVID-19 situation and the fact that the trial is going to take time, the petitioner be considered for grant of regular bail. Counsel submits that he has instructions to aver that either Bank guarantee or FDR or some immovable property papers worth Rs.7 lakhs shall be submitted by the petitioner before the trial court and in case he is found involved and held guilty, in any subsequent case after today, the said amount, as aforementioned, can be forfeited. To this effect, the petitioner is even ready to give an undertaking. That apart, counsel submits that the detention of the petitioner in jail in view of the present COVID-19 situation, is dangerous to his life and therefore, the petitioner may be granted concession of regular bail.

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 subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the Duty Magistrate/trial court concerned.

As per the statement made by his counsel, the petitioner is directed to deposit bank guarantee/FDR of Rs.7 lakhs valid for 5 years or equivalent-value property papers within one month from his release which shall remain as security during trial and shall await further orders of the trial Court. The petitioner will give an undertaking that he would not create any encumbrance on the property/papers, in case so submitted, for a period of 05 years and, if need be, shall further renew the said undertaking. It is also

made clear and shall be so recorded in the undertaking that in case the petitioner is found involved and is held guilty in any subsequent case after the present FIR, the said amount/property shall be forfeited and the same shall be transferred to the Government Treasury.

However, it is made clear that anything observed herein shall not be construed as an expression on merits of the case.

07.09.2020

vishal shonkar

(Girish Agnihotri)
Judge

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

Yes/No
Yes/No