

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

204

CRM-M-23119-2020

Date of decision: 09.09.2020

Prabsimranjit Singh @ Sima

.....Petitioner

versus

State of Punjab

....Respondent

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. Surmeet S. Sandhu, Advocate
for the petitioner.

Mr. Amar Ashok Pathak, Addl. AG, Punjab.

GIRISH AGNIHOTRI, J. (Oral)

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

Petitioner-Prabsimranjit Singh @ Sima, stated to be aged 21 years, has filed the present petition *inter alia* with a prayer for grant of anticipatory bail in case FIR No.12 dated 02.02.2020, under Sections 399 & 402 of Indian Penal Code, registered at Police Station Lohian, Jalandhar Rural.

Learned counsel for the petitioner submits that he applied for bail under Section 438 Cr.P.C. before the Additional Sessions Judge, Jalandhar, but, the same has been rejected on 06.08.2020 (Annexure P-2). He submits that the petitioner is a young boy. An FIR No.12 dated 02.02.2020 under Sections 399 & 402 IPC at Police Station Lohian, Jalandhar Rural was registered against 10 accused. The petitioner has also been made accused

No.5 in the same. He alleges that the FIR has been registered by Inspector Dalbir Singh and a careful perusal of the FIR would show that it has been mentioned that all the accused can be apprehended if raid is conducted. Learned counsel for the petitioner then relies on order dated 17.06.2020, passed by this Court in CRM-M-15480-2020, wherein interim protection was granted to co-accused [Love@Lovejeet](#) Singh (who is accused No.4 in the FIR). The appeal of the said co-accused has been confirmed vide order dated 10.08.2020 (Annexure P-4).

On instructions, learned State counsel submits that two more cases under Section 379-B IPC are pending against the petitioner

Faced with the situation, learned counsel for the petitioner submits that the petitioner is already on bail. Counsel further submits that he has instructions from the petitioner to submit that in order to show his bona fide, he is ready to give an undertaking that he will not involve himself in any other case in future and is further ready to deposit the bank guarantee/property papers of some immovable property (in his own name or in the name of any relative) worth Rs.3,00,000/- with an undertaking that in case, he is found involved in any other subsequent case (today onwards) and found guilty, the aforementioned amount/property can be forfeited and deposited in the Government Treasury.

Learned counsel for the petitioner also submits that in view of the COVID situation, detention of the petitioner in jail would be dangerous to his life.

In view of the peculiar facts noticed above and the present

situation due to COVID-19, the petitioner is directed to appear before the Investigating Officer and join investigation.

In the event of arrest, the petitioner shall be released on anticipatory bail, subject to his furnishing bail/surety bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and he shall remain bound by the conditions envisaged under Section 438(2) Cr.P.C. However, it is made clear that anything observed herein shall not be construed as an expression on merits of the case.

In addition to the above said bail/surety bonds, in pursuance to the offer made by counsel for the petitioner, the petitioner would deposit (within one month from the date of his release) bank guarantee/papers of some immovable property (in his own name or any of his relative) worth Rs.3 lacs (as security) to the Arresting/Investigating Officer. The petitioner would also give an undertaking that in case, he is found involved in any subsequent case (today onwards) and found guilty, the said amount/property as offered above, shall be forfeited and deposited in the Government Treasury.

Accordingly, the present petition stands disposed of.

(GIRISH AGNIHOTRI)
JUDGE

09.09.2020

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Whether speaking/ reasoned:

Yes/No

Whether Reportable:

Yes/No