

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

201

CRM-M-24626-2020

Date of decision: 28.10.2020

Aslam Sai @ Baba @ Fauji

.....Petitioner

versus

State of Punjab

....Respondent

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. Lakhwinder Singh Mann, Advocate for the petitioner.

Ms. Rashmi Attri, AAG, 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-Aslam Sai @ Baba @ Fauji, stated to be aged 40 years, has filed the present petition *inter alia* with a prayer for grant of regular bail in case FIR No.18 dated 23.03.2019, registered under Sections 379-B, 34 & 411 of Indian Penal Code, at Police Station City Nakodar, District Jalandhar.

Learned counsel for the petitioner, based on the pleadings in the petition, submits that the petitioner is an innocent person and has been falsely implicated in the present case. He submits that the present case is of mistaken identity. He further submits that the petitioner was arrested on 23.03.2019 i.e. the date of FIR itself and has been in custody since then.

On instructions from police official, learned State counsel submits that after presentation of challan, investigation in this case has been completed

and the trial has proceeded. She then submits that there are total of 14 witnesses, out of which, 11 have already been examined and the case is stated to be at the stage of defence evidence. She further submits that no other case is pending against the petitioner.

Faced with the situation, learned counsel for the petitioner submits that the petitioner has already undergone 01 year & 06 months of custody. He then submits that in view of the COVID 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 peculiar facts noticed above and the present situation due to COVID-19 and also 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.

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

Accordingly, the present petition stands disposed of.

(GIRISH AGNIHOTRI)
JUDGE

28.10.2020

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Whether speaking/ reasoned:

Yes/No

Whether Reportable:

Yes/No