

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

206- CRM-M-24094-2020 (O&M)

Date of Decision: 06.11.2020

Balwinder Singh

... Petitioner

VS.

State of Punjab

... Respondent

206 - CRM-M-23412-2020 (O&M)

Date of Decision: 06.11.2020

Ramandeep Singh

... Petitioner

VS.

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE GIRISH AGNIHOTRI

Present: Mr. Hitesh Verma, Advocate
Mr. MR Chaudhary, Advocate;
for the petitioners

Mr. Saurav Khurana, DAG 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.

This order shall dispose of the above-cited two criminal miscellaneous petitions, filed by the petitioners Balwinder Singh (aged 35 years) and Ramandeep Singh (aged 26 years), *inter alia*, praying for grant of regular bail in case FIR No.61 dated 13.02.2020 under Sections 379/120-B IPC registered at PS City Barnala. CRM-M-24094-2020 is being treated as the lead case for the purposes of passing-order.

Learned counsel for the petitioners by making reference to the allegations in the FIR submits that in the FIR, the petitioners have not been named. It is submitted that the petitioners were later on arrayed as accused along with another person. It is submitted that the investigation is complete and no useful purpose would be served in keeping the petitioner(s) behind the

Learned State counsel on instructions submits that the investigation is complete; challan was presented and there are total of 9 witness and none have been examined till date. He further submits that there are two FIRs each against both the petitioners. He opposed the granting of bail and submits that in case bail is granted to the petitioner(s), it is very likely that they will again indulge in the same crime.

Faced with this, learned counsel submits that in order to show their *bona fide*, the petitioners and their family members have offered to deposit Bank guarantee/FDR of Rs.1.5 lakh each in their own name which shall remain alive till the decision by the trial court, before the Duty Magistrate/trial Court and that they would not involve themselves in any other case and if found involved and held guilty in any other subsequent case (today onwards), the above said bank guarantees/FDR can be confiscated and the amount so realized be forfeited and deposited in the Government Treasury.

Counsel then submits that the petitioners are young man and due to the present COVID-19 situation, detention of the petitioners in jail would be dangerous to their lives and also keeping in view the fact that trial is likely to take some time, the petitioners 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 petitioners on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned, subject to their 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 petitioners to furnish as it deems appropriate, in pursuance to the offer made by

give an undertaking that they would not involve themselves in any other case after today. In order to show their *bona fides*, the petitioners shall deposit Bank guarantee/FDR of Rs.1.5 lakh each in their own name with the trial Court/Duty Magistrate 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 till the conclusion of trial. 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 is found involved subsequently in such/similar incident and is found guilty after today, the bank guarantee/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.

06.11.2020

vishal shonkar

1. *Whether speaking/reasoned?*

2. *Whether reportable?*

(Girish Agnihotri)

Judge

Yes/No

Yes/No