

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

210 - CRM-M-24266-2020
Date of Decision: 01.10.2020

Munish @ Monty

... Petitioner

VS.

State of Haryana

... Respondent

210 – CRM-M-24287-2020
Date of Decision: 01.10.2020

Satish Kumar @ Titi & Anr.

... Petitioners

VS.

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE GIRISH AGNIHOTRI

Present: Mr. Parminder Walia, Advocate for the petitioner(s)

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.

This order shall dispose of the above-cited two criminal miscellaneous petitions, filed by the petitioners Munish @ Monty (aged 30 years) and Satish Kumar @ Titi (aged 30 years) and another, *inter alia*, praying for grant of regular bail in case FIR No.0385 dated 29.10.2019 under Sections 34/394/427/452/506 IPC registered at PS Pinjore, Panchkula. CRM-M-24266-2020 is being treated as the lead case for the purposes of passing order.

Record shows that on 02.09.2020, the State was directed to seek instructions. Reply by way of affidavit of Satish Kumar, HPS, Assistant Commissioner of Police, Panchkula dated 30.09.2020 has been filed in the

case of Munish @ Monty. In para 11, reference of FIR No.34 dated 11.02.2019 has been made.

Learned State counsel, on instructions from ASI Anand, submits that in fact on further enquiries, it has come on record that there are 3 FIRs against the petitioner(s).

Faced with this, learned counsel for the petitioners submits that the petitioners are young boys aged between 28-30 years. He submits that they are also rivals of the complainant having the same property business.

Faced with this, learned counsel for the petitioners submits that in order to show their *bona fide*, the petitioners and their family members would give an undertaking that the petitioners would not involve themselves in any other case after today. Each of the petitioners would submit original property papers worth of Rs.7-8 lakhs with the trial Court. They would further give an undertaking that they would not create any encumbrance or sell the said property during trial. In the undertaking, it will also be incorporated that in case the petitioners are found involved in any other case and are found guilty, their property(ies) can be confiscated and the amount can be forfeited.

Counsel for the petitioners then submits that due to the present COVID-19 situation, detention of the petitioners in jail would be dangerous to their life and also 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 their counsel, the petitioners, within one month from date of their release, would give an undertaking that they would not involve themselves in any other case after today. In order to show their *bona fides*, each of the petitioners would submit original property papers worth of Rs.7-8 lakhs with the trial Court/Duty Magistrate with a further undertaking not to create any encumbrance or sell the said property during trial. In the undertaking, it will also be incorporated that in case the petitioners are found involved in any other case and are found guilty, the property(ies) shall be confiscated and the amount shall be liable to be forfeited and the same be deposited in the Government Treasury. The same shall be without prejudice to defence of the petitioners 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.

01.10.2020

vishal shonkar

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

(Girish Agnihotri)
Judge

Yes/No
Yes/No