

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

207 - CRM-M-29229-2020
Date of Decision: 30.09.2020

Gurpreet Singh @ Kaka

... Petitioner

VS.

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE GIRISH AGNIHOTRI

Present: Mr. AS Rai, Advocate for the petitioner

Mr. HS Sitta, 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.

The petitioner Gurpreet Singh @ Kaka aged 36 years has filed the present petition *inter alia* with a prayer for grant of regular bail in case FIR No.0040 dated 22.03.2017 under Section 302/365 IPC registered at PS Kotwali, Patiala.

Learned counsel for the petitioner based upon the pleadings submits that in CRM-M-12981-2018 (Paramjit Kaur vs. State of Punjab) **decided on 03.04.2018** and CRM-M-43658-2018 (Sanjay @ Sanju vs. State of Punjab) decided on 10.04.2019, the co-accused have been granted bail by this Court. He therefore claims parity and prays that he be also granted regular bail.

Learned State counsel, on instructions from ASI Ram Saran submits that the petitioner has already been convicted under Section 302 IPC and has been sentenced to undergo life imprisonment in another case. He submits that during investigation, it has transpired that the petitioner had borrowed/arranged car in which kidnapping had taken place. All the 24 witnesses have been examined and the case is now pending for defence

Faced with this, learned counsel for petitioner submits that the petitioner was arrested on 25.03.2017. He has therefore undergone more than 3½ years of custody.

Learned State counsel, on instructions from the petitioner and his family members submits that they would give an undertaking that the petitioner would not involve himself in any other case after today. In order to show their *bona fides*, they would submit original property papers worth of Rs.5 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 petitioner is found involved in any other case and is found guilty, the property can be confiscated and the amount can be forfeited.

Counsel for the petitioner then submits that due to the present COVID-19 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 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 petitioner on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned, subject to his 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 petitioner to furnish as it deems appropriate, in pursuance to the offer made by his counsel, the petitioner, within one month from date of his release, would give an undertaking that the petitioner would not involve himself in any other case

after today. In order to show his *bona fides*, the petitioner would submit original

property papers worth of Rs.5 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 petitioner is found involved in any other case and is found guilty, the property 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 petitioner 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.

30.09.2020

vishal shonkar

1. *Whether speaking/reasoned?*

2. *Whether reportable?*

Yes/No

Yes/No

(Girish Agnihotri)
Judge