

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

212

CRM-M-25306-2020

Date of decision: 07.09.2020

Mahabir Parshad

.....Petitioner

versus

State of Haryana

....Respondent

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. R.S. Dhull, Advocate
for the petitioner.

Mr. Rajiv Goel, DAG, Haryana.

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-Mahabir Parshad, stated to be aged 65 years, has filed the present petition *inter alia* with a prayer for grant of regular bail in case FIR No.06 dated 09.01.2004 (Annexure P-1), registered under Sections 419, 420, 467, 468, 471 & 120-B of Indian Penal Code, at Police Station Civil Lines, District Bhiwani.

Learned counsel for the petitioner submits that the petitioner has been involved in a case *inter alia* under Section 420 IPC. He then submits that the FIR pertains to the year 2004. He then submits that other co-accused have been convicted for a period of three years vide judgment dated 13.10.2014.

On instructions from ASI Hitender, learned State counsel submits

that qua other co-accused, challan was presented on 14.02.2011. The petitioner was initially declared proclaimed offender and thereafter, he was arrested on 24.02.2020. Supplementary challan qua the petitioner, has yet to be submitted. It is further submitted that the petitioner is not involved in any other case.

Faced with the situation, learned counsel for the petitioner submits that he has instructions on behalf of the petitioner, to submit that the petitioner is ready to deposit bank guarantee/papers of some immovable property (in his own name or any of his relative) worth Rs.10 lacs (as security) to the trial Court and he would also give an undertaking that in case, he is found involved in any other subsequent case (today onwards) and found guilty, the aforementioned amount 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 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.

In addition to the above said bail/surety bonds, the petitioner is directed to deposit bank guarantee/papers of some immovable property (in his own name or any of his relative) worth Rs.10 lacs (as security) to the trial Court. The petitioner is also directed to give an undertaking that in case, he is found involved and found guilty in any subsequent case, the said amount as aforementioned shall be forfeited and deposited in the Government Treasury. The above said amount shall be without prejudice to the defence of the petitioner before the trial Court.

Accordingly, the present petition stands disposed of.

(GIRISH AGNIHOTRI)
JUDGE

07.09.2020

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Whether speaking/ reasoned:

Yes/No

Whether Reportable:

Yes/No