

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

202 - CRM-M-24610-2020 (O&M)

Date of Decision: 30.10.2020

Suraj Pal

... Petitioner

VS.

State of UT Chandigarh

... Respondent

CORAM: HON'BLE MR.JUSTICE GIRISH AGNIHOTRI

Present: Mr. KV Nanda, Advocate for the petitioner

Mr. AM Punchhi, Public Prosecutor, UT Chandigarh

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 Suraj Pal who is stated to be aged 36 years has filed the present petition *inter alia* with a prayer for grant of regular bail. He has been allegedly involved in case FIR No.135 dated 22.07.2020 under Sections 420/468/472/474 IPC registered at PS Sector 17, Chandigarh.

Learned counsel for the petitioner based upon the pleadings submits that in fact the petitioner is innocent. He submits that the allegations in the FIR appear to be not based on factual position.

Learned Public Prosecutor, on instructions from ASI Jagmohan Singh submits that the investigation in this case is complete; and the challan was presented on 18.09.2020. He submits that there are serious allegations against the petitioner as apart from the fact that in the present FIR, the petitioner has allegedly made a fake insurance policy in the name of wife of the complainant. He submits that there are also allegations that during investigation Government doctor's seal/stamp which was found to

be fake was allegedly recovered from the plastic handbag of the petitioner.

Faced with this, by making specific reference to para 6 of the petition, learned counsel for the petitioner submits that the wife of the petitioner is in advance stage of pregnancy and there is no male member in the family to look after her.

Faced with this, learned counsel submits that in order to show his *bona fide*, the petitioner and his family members have offered to deposit bank guarantee/original papers of the property worth Rs.10 lacs before the Duty Magistrate/trial Court, with an undertaking that they would neither alienate the said property nor create any encumbrance on the same, till further orders of the Court. The petitioner would not involve himself in any other case and if found involved and held guilty in any other subsequent case (today onwards), the above said bank guarantee/property can be confiscated and the amount so realized be forfeited and deposited in the Government Treasury. Further in order to show his *bona fide* the petitioner, subject to the defence in the trial, offers to pay Rs.10000/- to the complainant towards the alleged amount for the insurance policy and the said amount will be subject to further final orders of the trial court.

Counsel then submits that due to the present COVID-19 situation, detention of the petitioner in jail would be dangerous to his life and also keeping in view 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 their counsel, the petitioner, within one month from date of his release, would give an undertaking that he would not involve himself in any other case after today. In order to show his *bona fides*, the petitioner would submit bank guarantee/original property papers worth of Rs.10 lakhs with the trial Court/Duty Magistrate with a further undertaking not to create any encumbrance, alienate 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 held guilty today onwards, 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.

Further accepting the offer made by the petitioner, subject to the defence in the trial, the petitioner would pay Rs.10000/- to the complainant towards the alleged amount for the insurance policy and the said amount will be subject to further final orders of 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.

30.10.2020

vishal shonkar

**(Girish Agnihotri)
Judge**

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

Yes/No
Yes/No