

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

213 - CRM-M-24622-2020 (O&M)

Date of Decision: 01.09.2020

Sanjeev Kumar @ Sanju

... Petitioner

VS.

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE GIRISH AGNIHOTRI

Present: Mr. Chander Shekhar, 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 lockdown due to outbreak of COVID-19 pandemic.

Petitioner – Sanjeev Kumar @ Sanju, stated to be aged 35 years, has filed the present petition under Section 439 CrPC *inter alia* praying for grant of regular bail in case FIR No.378 dated 03.05.2019 under Sections 420/467/468/471 IPC registered at PS Thanesar City, District Kurukshetra.

Learned counsel based upon the pleadings submits that the amount of loan taken from the Bank has been deposited in the account of Tarsem Lal. He then submits that the petitioner was innocent and he was not aware that he is being wrongly posed by a wrong name before the Bank.

Learned State counsel, on instructions from Sahb Singh submits that the challan in this case was presented on 14.01.2020. There are a total of 9 witnesses and none have been examined. He further submits that the petitioner is involved in more than one FIRs besides the present one.

Counsel for the petitioner submits that the petitioner was arrested on 01.11.2019 and has since completed 10 months of custody. He submits that the petitioner has a wife, a young son and a disabled mother to take care

of. Counsel then submits that due to the present COVID-19 situation, detention of the petitioner in jail is dangerous to his life, therefore, petitioner may be granted concession of regular bail.

In view of the peculiar facts as noticed above, considering the existing situation due to COVID-19 and the fact that trial is likely to take some time, this Court deems it appropriate to direct the release of the petitioner on regular bail subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the Duty Magistrate/trial court concerned.

In addition, the petitioner is directed to deposit bank guarantee of Rs.5 lakhs valid for 5 years or equivalent-value property papers within one month from his release which shall remain as security during trial and shall await further orders of the trial Court. The petitioner will give an undertaking that he would not create any encumbrance on the property/papers so submitted for a period of 5 years and, if need be, shall further renew the said undertaking. It is also made clear and shall be so recorded in the undertaking that in case the petitioner is found involved and is held guilty in any subsequent case after this, the said amount/property shall be forfeited and the same shall be transferred to the Government Treasury.

However, it is made clear that anything observed herein shall not be construed as an expression on merits of the case.

01.09.2020

vishal shonkar

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

(Girish Agnihotri)
Judge

Yes/No
Yes/No