

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

102 - CRM-M-25121-2020 (O&M)

Date of Decision: 31.08.2020

Tafeek @ Suraj

... Petitioner

VS.

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE GIRISH AGNIHOTRI

Present: Mr. RK Grewal, Advocate for the petitioner

Mr. Amar Ashok Pathak, Addl. AG 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.

Petitioner- Tafeek @ Suraj, stated to be aged 36 years, has filed the present petition under Section 439 CrPC *inter alia* praying for grant of regular bail in case FIR No.207 dated 29.09.2014, under Sections 458, 459, 395, 396, 397, 148, 149 of IPC, registered at Police Station Sohana, District SAS Nagar, Mohali.

Learned counsel then submits that the co-accused, namely, Gadu Naath @ Guddu Nath; Chand @ Chand Mohammad and Vishal @ Ghola, have already been granted bail by this Court vide order dated 12.03.2019 passed in **CRM-M No.43380 of 2018 (Gadu Naath @ Guddu Nath Vs. State of Punjab)**; vide order dated 28.07.2020 passed in **CRM-M No. 18685 of 2020 (Chand @ Chand Mohammad Vs. State of Punjab)**, and vide order dated 21.08.2020 passed in **CRM-M No.22204 of 2020 (Vishal @ Ghola vs. State of Punjab)**, respectively.

Learned State counsel submits that the impugned order passed by the Additional Sessions Judge, SAS Nagar, Mohali, is as old as 28.11.2016. He submits that the trial may have progressed.

Faced with this situation, learned counsel for the petitioner makes categorical submissions that situation as mentioned in the three orders passed by this Court, has truly remained the same and there is no further progress in the case. He 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.

This Court deems it appropriate to grant bail on parity in view of the long custody of the petitioner.

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 to the satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned, subject to his furnishing heavy 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.

The petition stands disposed of accordingly.

31.08.2020

vishal shonkar

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

(Girish Agnihotri)
Judge

Yes/No
Yes/No