

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

207

CRM-M-25796-2020

Date of decision: 12.10.2020

Jasmer Singh @ Joban Singh

.....Petitioner

versus

State of Haryana

....Respondent

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. Pankaj Bali, Advocate for the petitioner.

Mr. Rajiv Goel, DAG, Haryana.

Mr. G.P.S. Ghumman, Advocate for the complainant.

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-Jasmer Singh @ Joban Singh, stated to be aged 21 years, has filed the present petition *inter alia* with a prayer for grant of regular bail in case FIR No.512 dated 11.07.2019, registered under Sections 364-A, 365, 302, 201 & 120-B of Indian Penal Code, at Police Station Assandh, Karnal.

Learned counsel for the petitioner, based on the pleadings, submits that the present case is based on circumstantial evidence only. He further submits that the present FIR has been lodged under suspicion by Jagtar Singh (complainant). Learned counsel submits that the petitioner is real brother of the deceased and thus, would not kill his own sister. He then submits that the petitioner in the present case, was arrested on 16.08.2019 and by now, he has completed more than one year of custody. By making

reference to Annexure P-4, he submits that the petitioner is suffering from ailment as per the Medical Officer, District Jail, Karnal.

By making reference to Annexure P-6, learned counsel for the petitioner submits that co-accused/Narender Singh, has also been granted bail by this Court, vide order dated 10.08.2020, passed in CRM-M-20370-2020.

On instructions from SHO Jagbir Singh, learned State counsel submits that the petitioner was arrested on 28.07.2019. He further submits that the allegations against the petitioner, are that he was standing outside the room of deceased. It is submitted that two days prior to the death of Komalpreet Kaur, the petitioner had got her land transferred in his name vide registered sale deed dated 05.07.2019. It is alleged that the land was got transferred apprehending that the petitioner's sister would go to her husband (complainant).

Learned counsel for the complainant submits that the petitioner does not deserve to be granted concession of bail. He submits that the actual date of arrest of the petitioner is 18.08.2019. He submits that there are many false and misleading facts, which the petitioner and co-accused have given and therefore, they do not deserve to be granted bail.

Faced with the situation, learned counsel for the petitioner submits that he has instructions from the petitioner and his family members to submit that they would deposit the original papers of the land (in the name of petitioner) including sale deed dated 05.07.2019 with the trial court as security, till the conclusion of trial. He further submits that they would also give an undertaking that they would neither alienate the said property nor

create incumbrance on the same.

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.

In addition to the above said bail/surety bonds, in pursuance to the offer made by counsel for the petitioner, they would deposit the original property papers of the land (in the name of petitioner) including sale deed dated 05.07.2019 with the trial court as security, till the conclusion of trial. The petitioner is also directed to give an undertaking that he and his relatives, would neither alienate the said property nor create incumbrance on the same. The above said offer shall be without prejudice to the 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.

Accordingly, the present petition stands disposed of.

(GIRISH AGNIHOTRI)
JUDGE

12.10.2020
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Whether speaking/ reasoned:	Yes/No
Whether Reportable:	Yes/No