

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

104

CRM-M-25969-2020 (O&M)

Date of decision: 01.10.2020

Harjot Singh @ Sajjan

.....Petitioner

versus

State of Punjab

....Respondent

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. Sandeep Kumar, Advocate for the petitioner.

Mr. H.S. Sitta, Assistant AG, Punjab.

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-Harjot Singh @ Sajjan, stated to be aged 27 years, has filed the present petition *inter alia* with a prayer for grant of regular bail in case FIR No.171 dated 21.07.2020, registered under Sections 379 & 411 of Indian Penal code (Sections 420, 465, 467, 468 & 471 of IPC added later on), at Police Station Division No.5, District Police Commissionerate, Ludhiana.

Learned counsel for the petitioner, based on the pleadings, submits that in the FIR dated 21.07.2020, the petitioner was granted bail by the trial Court, vide order dated 31.07.2020 (Annexure P-1). However, it is the specific case of the petitioner that initially, FIR was registered on 21.07.2020 under Sections 379 & 411 of IPC. By making reference to Para 4 of the petition, it is then submitted that remaining Sections i.e. Sections 420, 465, 467, 468 & 471 of IPC, were added later on 23.07.2020, therefore, the petitioner cannot be

released and he filed second bail application, which however has been rejected on 14.08.2020.

On instructions from ASI Gurcharan Singh, learned State counsel submits that there are 3 to 5 more FIR against the petitioner. He submits that challan in this case has been presented on 19.09.2020, but, charges are yet to be framed.

Faced with the situation, learned counsel for the petitioner submits that as regards the other FIRs, it is submitted that all the other FIRs have been registered after the present FIR and the petitioner has been falsely implicated in the said FIRs. Counsel then submits that he has instructions from the petitioner and his family members, to submit that they would submit original papers of some property (in the name of petitioner or any of his relative) with the trial Court till the conclusion of trial. He further submits that the petitioner would also give an undertaking that they would neither alienate the said property nor create incumbrance on the same. The petitioner would also give a further undertaking that he will not involve himself in any subsequent case and in case, he is found involved and found guilty in any other case, the above said property can be confiscated and the amount realized from it, be 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.

In addition to the above said bail/surety bonds, in pursuance to the offer made by counsel for the petitioner, the petitioner would deposit (within one month from the date of his release), original papers of some property in the name of petitioner or any of his relative to the trial Court, which shall remain as security till further orders of the trial Court. The petitioner and his family members are also directed to give an undertaking that they would neither alienate the said property nor create any incumbrance on the same and the petitioner would also give an undertaking that he will not involve himself in any other case and in case, he is found involved in any other subsequent case and found guilty, the above said property shall be confiscated and the amount realized from it, shall be deposited in the Government treasury. 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

01.10.2020

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Whether speaking/ reasoned:

Yes/No

Whether Reportable:

Yes/No