

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

207 - CRM-M-26223-2020
Date of Decision: 01.10.2020

Navdeep Singh ... Petitioner

VS.

State of Punjab ... Respondent

207 – CRM-M-20873-2020
Date of Decision: 01.10.2020

Gurwinder Singh ... Petitioner

VS.

State of Punjab ... Respondent

CORAM: HON'BLE MR.JUSTICE GIRISH AGNIHOTRI

Present: Mr. MK Dogra, Advocate
Mr. SS Thakur, Advocate for the petitioner(s)

Mr. HS Sitta, AAG Punjab

Mr. RK Chaudhary, Advocate for the complainant

GIRISH AGNIHOTRI, J. (Oral)

The matter has been taken up through video conferencing on account of lockdown due to outbreak of COVID-19 pandemic.

This order shall dispose of the above-cited two criminal miscellaneous petitions, filed by the petitioners Navdeep Singh (aged 30 years) and Gurwinder Singh (aged 40 years), *inter alia*, praying for grant of regular bail in case FIR No.148 dated 18.09.2019 under Sections 302/201/34 IPC registered at PS Kamboj, District Amritsar. CRM-M-26223-2020 (Navdeep Singh vs. State of Punjab) is being treated as the lead case for the purposes of order.

Learned counsel for the petitioner submits that a bare perusal of

relations with Jagjit Singh who had come from abroad. The petitioner then submits that the complainant under the wrong impression had lodged a complaint which resulted into registration of FIR. In fact, the petitioners and the deceased were good friends and they were extending every possible help to the deceased and the family members.

Learned State counsel submits, on instructions from ASI Gurbail Singh, submits that the investigation is complete. There are a total of 27 witnesses but none have been examined till date.

Counsel for the complainant submits that the compromise dated 09.03.2020 (P2) appended with the petition is a document which the complainant supports.

Learned State counsel then submits that the petitioner Navdeep Singh is involved in other cases: 2 cases under NDPS Act and one under Section 379-B IPC.

Faced with this, learned counsel for the petitioner submits that in order to show his *bona fide*, the petitioner (Navdeep Singh) and family members would give an undertaking that the petitioner would not involve himself in any other case after today. In order to show their *bona fides*, they would submit original property papers worth of Rs.5 lakhs with the trial Court. They would further give an undertaking that they would not create any encumbrance 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 found guilty, the property can be confiscated and the amount can be forfeited.

Counsel for the petitioners then submits that due to the present COVID-19 situation, detention of the petitioners in jail would be dangerous

to their life and also the fact that trial is likely to take some time, the petitioners 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 petitioners on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned, subject to their 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 petitioners to furnish as it deems appropriate, in pursuance to the offer made by their counsel, the petitioners, within one month from date of their release, would give an undertaking that the petitioners would not involve themselves in any other case after today. In order to show his *bona fides*, the petitioner Navdeep Singh would submit original property papers worth of Rs.5 lakhs with the trial Court/Duty Magistrate with a further undertaking not to create any encumbrance 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 found guilty, 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.

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.

01.10.2020

vishal shonkar

(Girish Agnihotri)
Judge

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

Yes/No
Yes/No