

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

207

CRM-M-26676-2020 (O&M)
Date of decision: 24.09.2020

Akashdeep

....Petitioner

versus

State of Punjab

....Respondent

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. Raman Goklaney, Advocate
for the petitioner.

Mr. Rana Harjasdeep Singh, DAG, 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-Akashdeep, stated to be aged 18 years, has filed the present petition *inter alia* praying for grant of regular bail in case FIR No.08 dated 17.02.2020, under Sections 379-B IPC (Sections 411, 409, 201, 120-B IPC added later on), registered at Police Station City Zira, District Ferozepur.

Learned counsel for the petitioner based on pleadings submits that the FIR has been registered against unidentified persons. Learned counsel further submits that the petitioner has been later on implicated during course of investigation. He, however, submits that Branch Manager Ritesh Thakur,

as per the challan report, has made a statement that he has suspicion that complainant Nishan Singh along with his relatives has committed the offence.

On the asking of Court, learned State counsel, on instructions from ASI Harnek Singh has informed that the challan in this case has been presented on 18.05.2020. He submits that there are total of 12 witnesses and charges are yet to be framed. Learned State counsel then submits that the complainant has named the petitioner and Rs.2 lacs are stated to be recovered from him.

Faced with the situation, learned counsel for the petitioner submits that the petitioner is in custody since 20.02.2020. Learned counsel further submits that the co-accused, namely, Sagar, has been granted regular bail by this Court in *CRM-M No.14471 of 2020 titled as 'Sagar Vs. State of Punjab', decided on 16.06.2020*. He, then submits that due to the present COVID-19 situation and also the fact that trial is likely to take some time, detention of the petitioner in jail is dangerous to his life. Therefore, petitioner is entitled for regular bail.

Learned counsel, however, submits that he has instructions from his client and the relatives of the petitioner that to show their *bona fide* and without prejudice to their defence, they would get an FDR made worth Rs.50,000/-(in the name of the petitioner or any of his relatives) and shall deposit the same with the Trial Court/Duty Magistrate as security with an undertaking that the same shall not be encashed, till the decision of the Trial Court.

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 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.

In addition to the bail/surety bonds, in pursuance to the offer made by counsel for the petitioner, the petitioner would deposit an FDR worth Rs.50,000/- (in his own name or any of his relatives) with the Trial Court/Duty Magistrate concerned, with an undertaking that the same shall not be encashed, till the decision of the Trial Court. The said amount shall be without prejudice to defence of the petitioner before the trial Court.

The petition stands disposed of accordingly.

(GIRISH AGNIHOTRI)
JUDGE

24.09.2020

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