

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

210

CRM-M-27579-2020

Date of decision: 06.11.2020

Amarjeet @Monku and Anr.

....Petitioners

versus

State of Haryana

...Respondent

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. Krishan Singh, Advocate,
for the petitioners.

Mr. Rajiv Goel, DAG, Haryana.

GIRISH AGNIHOTRI, J. (Oral)

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

Petitioners-Amarjeet @ Monku and Sumer Singh @ Rinku, stated to be aged 22 and 19 years respectively, have jointly filed the present petition *inter alia* praying for grant of regular bail in case FIR No.456 dated 25.07.2020, under Section 379-B IPC, registered at Police Station City Yamuna Nagar, District Yamuna Nagar.

Learned counsel for the petitioner based on pleadings, submits that the petitioners are innocent persons and have been falsely implicated. Learned counsel further submits that perusal of FIR would show that the petitioners are not named in the FIR and the same was lodged against unknown persons. He, then submits that even no identification parade has been conducted nor anything has been recovered from the petitioners.

Learned counsel also makes reference to Annexure P3, an affidavit filed by the complainant, wherein he had submitted that the petitioners are innocent persons.

Learned State counsel, on instructions from ASI Nirmal Singh, submits that the investigation in the present case is complete. Challan has been presented on 21.10.2020. There are total of 11 witnesses but none has been examined till date. He further submits that there is one more FIR in which the petitioner Amarjeet Singh @ Monku is involved.

Faced with the situation, learned counsel for the petitioners submits that the petitioners are young boys aged 22 and 19 years respectively. He further submits that he has instructions from the petitioner No.1-Amarjeet Singh and his family members, to submit that they are ready and willing to deposit bank gaurantee worth Rs.2 lacs before the Duty Magistrate/trial Court, with an undertaking that he would not involve himself in any other case after the present case and in case, he is found involved and found guilty in any other subsequent case (today onwards), the above said bank gaurantee can be forfeited in the Government Treasury.

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 time, this Court deems it appropriate to release the petitioners on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned, subject to their 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 petitioners, the petitioner Amarjeet @ Monku, would submit the bank gaurantee worth Rs.2 lacs with an undertaking that he would not involve himself in any other case after the present case and in case, he is found involved and found guilty in any other subsequent case (today onwards), the above said bank gaurantee worth Rs.2 lacs shall be forfeited and deposited in the Government Treasury. The same shall be without prejudice to defence of the petitioners before the trial Court.

The petition stands disposed of accordingly.

(GIRISH AGNIHOTRI)
JUDGE

06.11.2020

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