

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

204 - CRM-M-28941-2020
Date of Decision: 30.09.2020

Sarabjit Singh @ Baroga

... Petitioner

VS.

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE GIRISH AGNIHOTRI

Present: Mr. LS Lakhanpal, Advocate for the petitioner

Mr. HS Sitta, AAG Punjab

GIRISH AGNIHOTRI, J. (Oral)

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

The petitioner Sarabjit Singh @ Baroga aged 40 years has filed the present petition *inter alia* with a prayer for grant of regular bail in case FIR No.279 dated 25.09.2018 under Sections 302/120-B; Section 25 of the Arms Act; and Section 3 of SC/ST Act registered at PS Phillaur, District Jalandhar.

Learned counsel based upon the pleadings submits that the petitioner has been falsely involved in this case. He submits that the PWs who have been examined have not supported the prosecution version. Still further, he submits that the petitioner has been named because of party faction. Learned counsel for the petitioner then relies upon the orders passed in (i) **CRM-M-20186-2020 (Ranjit Singh @ Jeeta vs. State of Punjab)** decided on 10.08.2020; (ii) **CRM-M-20242-2020 (Ravi Kumar vs. State of Punjab)** decided on 10.08.2020 and (iii) **CRM-M-20882-2020 (Barjinderjit Singh vs. State of Punjab)** decided on 11.08.2020 to submit that the co-accused have been granted regular bail by this Court.

Learned State counsel, on instructions from ASI Desraj submits that the petitioner is involved in approximately 14 cases out of which some cases are under 326 IPC and/or NDPS Act. He submits that the charges have been framed in the present case on 27.02.2019. There are a total of 28 witnesses out of which 3 witnesses have been examined.

Faced with this situation, learned counsel for the petitioner submits the petitioner has been behind the bars since 26.01.2019.

At this stage, learned State counsel clarifies that the petitioner's custody from 26.01.2019 to 13.12.2019 is treated to have been undergone in the present FIR. As per the custody certificate, it is submitted that relying upon the order passed in **CRM-M-21934-2015 (Tejinder Singh @ Teja vs. State of Punjab)** decided on 17.03.2016, the undertrial period of the petitioner in this case from 14.12.2019 to 29.09.2020 has been adjusted.

Learned counsel for the petitioner submits that the petitioner has a family to support and he being the main bread-earner, his help is required at this stage by the family. In order to show their *bona fides*, the petitioner and his family members are ready to give original property papers worth approximately Rs.5 lakhs or more. They would also give an insolvent surety to the tune of Rs.5 lakhs in addition to the above. They would further give an undertaking that they would not create any encumbrance or sell the said property during the trial.

Counsel for the petitioner then submits that due to the present COVID-19 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 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 petitioner on regular bail to the

satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned, subject to his 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 petitioner to furnish as it deems appropriate, in pursuance to the offer made by his counsel, the petitioner, within one month from date of his release, would deposit original property papers worth approximately Rs.5 lakhs or more. The petitioner would also give an insolvent surety to the tune of Rs.5 lakhs in addition to the above and would further give an undertaking that the petitioner or his family members would not create any encumbrance or sell the said property during the trial. The same shall be without prejudice to defence of the petitioner before the trial Court. The petitioner would also give an undertaking that he would not involve himself in any criminal case.

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.

30.09.2020

vishal shonkar

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

(Girish Agnihotri)
Judge

Yes/No
Yes/No