

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

203

CRM-M-29110-2020

Date of decision: 28.10.2020

Gurmail Singh alias Mali

.....Petitioner

versus

State of Haryana

....Respondent

**CORAM: Hon'ble Mr. Justice Girish Agnihotri**

Present: Mr. Rahul Rathore, Advocate for the petitioner.

Mr. Rajiv Goel, DAG, Haryana.

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**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-Gurmail Singh alias Mali, stated to be aged 36 years, has filed the present petition *inter alia* with a prayer for grant of regular bail in case FIR No.315 dated 15.10.2019, registered under Sections 302/323/506 of Indian Penal Code, at Police Station Kunjpura, District Karnal (Haryana).

Learned counsel for the petitioner, based on the pleadings in the petition, submits that the allegations in the FIR are false and frivolous. He then makes reference to Para 5 of the petition, to submit that the deceased was taken to Sri Ram Chand Memorial Hospital, at 6 pm on 15.10.2019, where he was admitted and the version recorded by the doctor at the time of admission and in examination of the deceased, is that of a road side accident. Learned counsel then submits that this clearly shows that first version provided by the

complainant side to the doctor, was completely different from what it has been alleged in the FIR and as such, create serious doubt on the allegations in the FIR.

On instructions from SI Shri Kant, learned State counsel submits that the challan in this case has been presented on 15.01.2020 and the charges have been framed on 04.02.2020. He then submits that there are total of 14 witnesses, out of which, only one has been examined till date. It is further submitted that the petitioner is involved in one more case FIR *inter alia* under Section 323 IPC. It is then submitted by learned State counsel that in view of the above, if the petitioner is released on bail, he is likely to involve in some other crime also. Learned State counsel also makes reference to Para Nos.7 & 8 of the order dated 22.06.2020, passed by learned Additional Sessions Judge (Duty), Karnal.

Faced with the situation, learned counsel for the petitioner submits that perusal of Para Nos.7 & 8 of the order dated 22.06.2020, would rather show that there was no intention that can be attributed to the petitioner for murder of the deceased. Counsel for the petitioner then submits that he has instructions from the petitioner and his family members to submit that to show their bona fides, they would deposit bank guarantee/original papers of some immovable property (in the name of petitioner or any of his relative), worth Rs.10 lacs, with the trial court as security, till the conclusion of trial. He also submits that the petitioner would also give an undertaking that in case, he is found involved in any other subsequent case (today onwards) and found guilty, the aforementioned amount can be forfeited and 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 bank guarantee/original papers of some immovable property (in the name of petitioner or any of his relative), worth Rs.10 lacs, with the trial court as security, till the conclusion of trial. Petitioner is also directed to give an undertaking that in case, he is found involved in any other subsequent case (today onwards) and found guilty, the aforementioned amount shall be forfeited and 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**

28.10.2020

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Whether speaking/ reasoned:

Yes/No

Whether Reportable:

Yes/No