

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

214

CRM-M-30832-2020

Date of decision: 08.10.2020

Saikul

.....Petitioner

versus

State of Haryana

....Respondent

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. Jamshed Ahmed, Advocate for the petitioner.

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.

Petitioner-Saikul, stated to be aged 25 years, has filed the present petition *inter alia* with a prayer for grant of regular bail in case FIR No.12 dated 20.01.2020, registered under Sections 341, 365, 395, 397 & 34 of Indian Penal Code and Section 27(1)/54/59 of Arms Act, at Police Station Bhondsi, District Gurugram (Haryana).

Learned counsel for the petitioner, at the outset, submits that co-accused Talim, has also been granted bail by this Court, vide order dated 07.08.2020, passed in CRM-M-19817-2020.

On instructions from ASI Deep Chand, learned State counsel submits that the petitioner was arrested on 04.02.2020. He further submits that investigation in this case is complete as the challan has been presented on

29.04.2020. There are total of 17 witnesses, but none has been examined till date. However, he submits that there is an another FIR of the year 2018, under Sections 307 & 506 of IPC, registered against the petitioner. It is submitted that if the petitioner be released on bail in the present case, he is likely to commit another crime.

Faced with the situation, learned counsel then submits that he has instructions from the petitioner and his family members, to submit that the petitioner would deposit Bank guarantee of Rs. 1,50,000/- with the trial Court as security till the conclusion of trial. He further submits that the petitioner would also give an undertaking that he will not involve himself in any subsequent case and in case, he is found involved and found guilty in any other case, the above said Bank guarantee can be confiscated and the amount so realized from it, be 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 (within one month from the date of his release), Bank guarantee worth Rs.1,50,000/- to

the trial Court, which shall remain as security till further orders of the trial Court. The petitioner is also directed to give an undertaking that he will not involve himself in any other case and in case, he is found involved in any other subsequent case (today onwards) and found guilty, the above said Bank guarantee shall be confiscated and the amount realized from it, shall be 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

08.10.2020

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Whether speaking/ reasoned:

Yes/No

Whether Reportable:

Yes/No