

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

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**CRM-M No.30757 of 2020 (O&M)
Date of decision:22.12.2020**

Harmanpreet

... Petitioner

Vs.

The State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Karanvir Singh Khehar Advocate for the petitioner.

Mr. Deepak Bhardwaj, DAG, Haryana.

Mr. Harish Mehla, Advocate for the complainant.

SUVIR SEHGAL J. (ORAL)

The Court has been convened through video conferencing due to Covid-19 pandemic.

CRM-27893-2020

Reply to the application by way of affidavit of Assistant Commissioner of Police, Panchkula has been filed on behalf of the State.

Application is allowed.

Documents, Annexures A7 to A-15 are taken on record.

CRM-28890-2020

For the reasons given in the application, same is allowed.

Annexure A-16 is taken on record.

Main case.

Instant petition has been filed under Section 439 of Cr.P.C. for grant of interim bail to the petitioner, Harmanpreet, for a period of two months in case FIR No.26, dated 14.03.2017 registered under Sections 148, 149, 285, 302, 364, 452 of the Indian Penal Code and Sections 25 of the Arms Act, 1959, at Police Station Mansa Devi, District Panchkula.

The first petition for regular bail (CRM-M-30440-2019) filed by the petitioner was dismissed by this Court on 24.04.2020. SLP(Crl) No.3268 of 2020 preferred by the petitioner before the Supreme Court was withdrawn with liberty to enable the petitioner to approach the Court again for bail at an appropriate stage.

Counsel for the petitioner has argued that the petitioner and his family are owners and in possession of about 25 acres of agricultural land. The grandfather and father of the petitioner expired in 2014 and 2016, respectively and there is no male member in the family to look after the land. It has been urged by the counsel that the situation has become more precarious after the outbreak of the pandemic since the labour has also gone back to their native places. Still further, counsel submits that the grandmother of the petitioner is 92 years of age and his mother has suffered a paralytic attack. He has referred to the medical record of his mother. He submits that the petitioner is in incarceration since 14.03.2017 and due to the outbreak of the pandemic, the trial is not progressing, therefore, the petitioner deserves to be released on interim bail for a period of two months to take care of his mother and agricultural land. In order to show his bonafides, he submits that the

petitioner will deposit the original title deeds of his immovable property of value of Rs.50 Lacs, with the trial Court.

The prayer is opposed by the State as well as the counsel for the complainant. It has been submitted that there are allegations against the petitioner of committing serious crime and murder and if bail is granted, he can commit the same offence again.

I have considered the rival submissions of the parties.

The health condition of the mother of the petitioner has been verified by the State vide affidavit dated 18.12.2020 filed by Assistant Commissioner of Police, Panchkula. Alongwith reply/affidavit, the State has filed the medical certificate, Annexure R-1, of M/s Cheema Medical Complex, which reads as under:-

“ TO WHOM IT MAY CONCERN

This is to state that Mrs. Gurdeep Kaur, 44 years old female, w/o Mr. Harminder Singh r/o Sante Majra Village, Mohali is under my treatment since 05.08.2019. She was admitted with acute onset paralysis of the left side of the body which was treated with clot bursting drug. She also suffers from Major depression, hypertension, high cholesterol and migraine. She has been regularly attending my OPD since then. Last visit was on 24.11.2020.”

Verification has further been done by the State from Dr. Rajeev Trehan, M.D. Psychiatry, who treated the mother of the petitioner and has certified that she is suffering from depression. The land holding of the petitioner has also been verified from the concerned, Patwari and Lambardar and it has been found that the petitioner and his family are

owners of more than 96 Kanals of land.

The medical certificates, Annexures R-1 and R-2, filed by the State show that the mother of the petitioner is suffering from serious ailments and there is no other male member in the family of the petitioner to take care of the old ladies and to supervise the agricultural operations.

Keeping in view the above facts and circumstances, period of incarceration of the petitioner and the fact that the trial is likely to take time due to spread of contagion, the petitioner is ordered to be released on interim bail for a period of two months on his furnishing bail/surety bonds of Rs. 50 Lacs or of the like amount to the satisfaction of the concerned trial Court/Duty Magistrate. In the alternative, the petitioner shall be at liberty to deposit the original title deeds of his immovable property valuing at least Rs.50 Lacs. The period of two months would start from the date the petitioner is released by the trial Court. Besides the above, this Court deems it appropriate to impose the following additional conditions:-

- (i) The petitioner shall report to the Police Station concerned once a week i.e. on every Monday at 11:00 a.m.
- (ii) The petitioner shall give his mobile number to the SHO of the concerned Police Station, who shall make calls at random to the petitioner and keep a tab on his whereabouts.
- (iii) The petitioner shall surrender his arms licence and passport to the trial Court. In case, the petitioner does not possess the arms licence and/or passport, he shall file an

undertaking with the trial Court and the concerned Police Station that he will not apply for the same during the pendency of the trial.

(iv) The petitioner shall undertake that he will not leave the territorial jurisdiction of this Court, during the pendency of the trial.

(v) The petitioner shall remain present before the trial Court on each and every date of hearing.

(vi) The petitioner shall fully cooperate with the trial Court, during the course of the trial.

In case of violation of any of these conditions, it shall be open to the State to seek cancellation of the bail.

In the meantime, the trial Court may explore the possibility of resuming the trial.

Petition is allowed with the above conditions.

22.12.2020

pooja saini

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No