

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-31116-2020 (O&M)

Date of decision: 08.10.2020

Ankit

.....Petitioner

versus

State of Haryana

....Respondent

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. Vikas Gulia, 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-Ankit, stated to be aged 20 years, has filed the present petition *inter alia* with a prayer for grant of regular bail in case FIR No.138 dated 13.03.2020, registered under Sections 148, 149, 307, 323, 324 & 341 of Indian Penal Code (Section 302 IPC added later on), at Police Station Gohana City, District Sonapat.

Learned counsel for the petitioner, based on the pleadings, submits that perusal of the FIR would show that the petitioner has not been named in the FIR. Learned counsel with emphasize submits that the present FIR was initially registered on 13.03.2020 on the statement of injured-Sumit (later died) himself. He submits that the said injured-Sumit, has neither named the petitioner in the FIR nor he stated that his mother was witness to

the incident.

On instructions from ASI Navdeep Singh, learned counsel for the State submits that the petitioner was arrested on 15.04.2020. He submits that the investigation in this case is complete and challan was presented on 30.06.2020. There are total of 27 witnesses, out of which, none has been examined till date. Learned State counsel however opposes the bail on merits, but, has not been able to dispute the above factual position.

Faced with the situation, learned counsel for the petitioner submits that he has instructions on behalf of the petitioner, to submit that he would submit **heavy** surety before the Chief Judicial Magistrate/Duty Magistrate concerned with an undertaking that he would not involve himself in any other subsequent case and in case, he is found involved in any other subsequent case (today onwards) and found guilty, the prosecution can apply for cancellation of bail.

Learned counsel for the petitioner further 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 **heavy** bail/surety bonds. In view of the offer made by counsel for the petitioner, the petitioner is directed to give an

undertaking that he would not involve himself in any other case and if, the petitioner is found involved in any other subsequent case (today onwards) and found guilty, the prosecution is free to apply for cancellation of bail.

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:
Whether Reportable:

Yes/No
Yes/No