HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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209 - CRM-M-31839-2020 (O&M)

Date of Decision: 13.10.2020

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Amarjeet Singh ... Petitioner

VS.

State of Haryana ... Respondent

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CORAM: HON'BLE MR.JUSTICE GIRISH AGNIHOTRI

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Present: Mr. Rakesh Gupta, 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 lockdown due to outbreak of COVID-19 pandemic.

The petitioner Amarjeet Singh aged 31 years has filed the present petition *inter alia* with a prayer for grant of regular bail in case FIR No.32 dated 23.05.2020 under Sections 354/376(2)N/385/452/506 IPC and Section 67A of IT Act, 2000, registered at Police Station Women Assandh, District Karnal.

Learned counsel for the petitioner submits that the petitioner is himself a married person and has his family, wife and a child to look after. He submits that there are documents some of which have been appended as Annexure P2 which show that the petitioner had friendly relations with the neighbourer i.e. the complainant. He submits that the petitioner is merely a labourer and in the present COVID situation without the earning member, the family members are finding it difficult to make their both ends meet.

Learned State counsel, on instructions from ASI Ram Lata, submits that the challan was presented on 21.08.2020. There are a total of 20 witnesses but none have been examined till date. He also submits that

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the petitioner, if released on bail, may harass the complainant who are their neighbourers and is also likely to misuse the alleged photographs and videos of the complainant.

Faced with this situation, learned counsel for the petitioner submits that he has instructions from the petitioner and his family members to state that the petitioner is ready to give an undertaking that he along with his family is ready to shift his residence from the neighbourhood of the complainant and also undertake not to misuse the concession of bail much less perpetuate it by way of misusing the alleged photographs and video, if any. Counsel then submits that due to the present COVID-19 situation, detention of the petitioner in jail would be dangerous to his life and also keeping in view 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 counsel for the petitioner, the petitioner would give an undertaking that he along with his family would shift his residence from the neighbourhood of the complainant and shall not misuse the concession of bail much less perpetuate it by way of misusing the alleged photographs and video, if any.

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However, it is made clear that anything observed herein shall not be construed to be an expression on merits of the case.

Disposed of.

13.10.2020 **(Girish Agnihotri)**
vishal shonkar **Judge**

1. Whether speaking/reasoned? ***Yes/No***
2. Whether reportable? *Yes/No*

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