

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

214 - CRM-M-34542-2020 (O&M)

Date of Decision: 03.11.2020

Vikash

... Petitioner

VS.

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE GIRISH AGNIHOTRI

Present: Mr. SR Hooda, 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 lockdown due to outbreak of COVID-19 pandemic.

The petitioner Vikash who is stated to be aged 27 years has filed the present petition *inter alia* with a prayer for grant of regular bail. He has been allegedly involved in case FIR No.135 dated 05.04.2019 under Sections 304-B/34 IPC registered at PS Sadar, District Rohtak.

Learned counsel for the petitioner at the outset submits that there are two children from the marriage. The allegations in the FIR appear to have been made under a wrong impression. Learned counsel submits that during investigation, the father-in-law and mother-in-law have been found to be innocent and no challan has been presented against them.

Learned State counsel on instructions from ASI Jitender submits that charges in this case have been framed on 18.12.2019. There are a total of 12 witnesses but none have been examined.

Faced with this, learned counsel submits that in order to show his *bona fide*, the petitioner and his family members have offered to deposit FDR of Rs.1 lac each in the name of his two minor children before the Duty

undertake not to involve himself in any criminal case from today. Further, the petitioner and his family members have offered to transfer property worth Rs.10 lacs in the name of 2 minor children, with an undertaking that the petitioner would neither alienate the said property nor create any encumbrance on the same.

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 deposit two FDRs made of Rs.1 lakh each in the name of the two minor children and give an undertaking (which shall be duly sent to the Bank) that the said FDRs shall not be encashed by anyone except the same can be used for the benefit of the minor children. The said FDRs shall be deposited within one month from the date of release of the petitioner before the Duty Magistrate/trial Court. The petitioner, as offered, would further transfer property worth Rs.10 lacs in the name of 2 minor children, with an undertaking that petitioner would neither alienate the said property nor create

Further, the trial court is directed to issue appropriate directions and ensure that the aforementioned amount/property remains in the name of the minor children till they become major and is utilized only for the benefit of the minor children.

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

Disposed of.

03.11.2020

vishal shonkar

**(Girish Agnihotri)
Judge**

1. *Whether speaking/reasoned?*
2. *Whether reportable?*

Yes/No
Yes/No