

**209 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(through video conferencing)**

CRM-M-37349-2020
Decided on : 18.12.2020

Harinder Singh @ Hinda

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. J.S.Thakur, Advocate
for the petitioner.

Ms. Bhavna Gupta, DAG, Punjab.

Manjari Nehru Kaul, J.

Instant petition has been filed under Section 439 Cr.PC for grant of regular bail to the petitioner in case FIR No.69 dated 14.05.2015 registered under Sections 302, 34 IPC, 1860 and Sections 25, 27, 54, 59 Arms Act, 1959 and Section 120-B, 472 IPC 1860 added later on at Police Station Goraya District Police Jalandhar Rural.

Learned counsel for the petitioner inter alia contends that the petitioner has been in custody since 26.05.2015 and the trial has not yet concluded inasmuch as only 16 out of the 29 prosecution witnesses cited have been examined so far. Learned counsel has further submitted that a perusal of the FIR clearly reveals that the petitioner, who was not named in the FIR, was not attributed any injury. Learned counsel has vehemently urged that the petitioner is similarly situated as his co-accused Bhupinder Singh @ Bhinda, who has been granted the concession of bail by a Coordinate Bench vide order dated 06.10.2020 (Annexure P-2), which reads as under:

“At this stage, learned counsel for the petitioner submits that the petitioner was allegedly involved in nine other cases, out of which, he stand acquitted in four cases.

Faced with the situation, learned counsel for the petitioner submits that he has instructions from the petitioner and his family members that they would submit the original papers of the property worth Rs. 4 lacs (which is in the name of the relative/family members of the petitioner) with an undertaking that they would neither alienate the said property nor create any incumbrance on the same, till further orders of the trial Court. The petitioner would also give an undertaking that he would not involve himself in any other case after the present case and in case he is found involved and found guilty in any other subsequent case (today onwards), the above said property can be confiscated and the amount so realized be forfeited in the Government Treasury.

In view of the peculiar facts as noticed above, considering the existing situation due to COVID-19 and the fact that trial is likely to take time, this Court deems it appropriate to release the petitioner on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned, subject to his furnishing bail bonds/surety bonds. However, it is made clear that anything observed herein shall not be construed as an expression on merits of the case.

In addition to the bail/surety bonds, in pursuance to the offer made by counsel for the petitioner, the petitioner would submit the original papers of the property worth Rs. 4 lacs (which is in the name of the relative/family members of the petitioner) with an undertaking that they would neither alienate the said property nor create any incumbrance on the same, till

further orders of the trial Court. The petitioner would also give an undertaking that he would not involve himself in any other case after the present case and in case, he is found involved and found guilty in any other subsequent case (today onwards), the above said property shall be confiscated and the amount so realized be forfeited and deposited in the Government Treasury. The same shall be without prejudice to defence of the petitioner before the trial Court.”

Hence, a prayer has been made that the petitioner be extended the concession of regular bail in the aforementioned terms.

Per contra, learned State counsel has vehemently opposed the prayer of learned counsel for the petitioner by submitting that the petitioner is a man of criminal antecedents and is involved in a number of criminal cases including two case FIRs under Sections 302 IPC, one under Section 307 IPC and also a case pertaining to jail break. In support, she has placed on record the custody certificate of the petitioner which reflects his involvement in a number of criminal cases. She has further submitted that the petitioner was one of the three accused, who attacked the deceased by firing with the fire arms, which each of the them was carrying at the time of alleged crime. It has also been brought to the notice by the learned State counsel that the delay in the conclusion of the trial in the instant case has been for the reason that co-accused of the petitioner are facing trial in a number of criminal cases registered at different places for which they are being produced by way of production warrants in different Courts.

Heard.

In view of the criminal antecedents of the petitioner and the allegations levelled in the FIR against the petitioner, this Court is not

inclined to extend the concession of regular bail to the petitioner. Accordingly, the present petition stands dismissed. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

18.12.2020
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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable :	Yes/No