

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

203

CRM-M-45880-2019(O&M)
Date of decision: 08.10.2020

Gaurav

....Petitioner

versus

State of Haryana

....Respondent

2.

CRM-M-18970-2020

Rahul

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. Amrik Singh Kalra, Advocate
for the petitioner in CRM-M-45880-2019.

Mr. Anil Kumar Malik, Advocate
for the petitioner in CRM-M-18970-2020.

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 pandemic COVID-19.

This order shall dispose of CRM-M No.45880 of 2019 and CRM-M No.18970 of 2020 as common issues are involved. For the sake of convenience, CRM-M No.45880 of 2019 is being treated as the lead case.

Petitioner-Gaurav in CRM-M45880-2019 and petitioner-Rahul in

CRM-M-18970-2020, have filed the present petitions *inter alia* with a prayer to grant them regular bail in case FIR No.416 dated 23.10.2018 under Sections 394, 392, 397 of IPC and Section 27 of Arms Act, 1959, registered at Police Station Murthal.

Learned counsel for the petitioner(s) based on pleadings, submit that the petitioner is not named in the FIR. The accused, namely, Gobind and Azad, were initially arrested by the police and in their disclosure statement the petitioner has been named. He submits that in fact the complainant has not even identified the petitioner. Even the alleged weapon has been recovered from the other co-accused.

Learned State counsel, on instructions from SI Narinder Singh, submits that petitioner-Gaurav was arrested on 11.12.2018. After completing the investigation, charges were framed against him on 26.04.2019. There are total of 26 witnesses but only 02 witnesses have been examined. He further submits that as regards the other petitioner-Rahul, he was arrested on 23.01.2020. The investigation in his case is complete, challan has been presented on 20.03.2020 and there are total of 26 witnesses but only 02 witnesses have been examined. He, however, submits that in the status report filed by way of affidavit of Sh. Hans Raj, HPS, Deputy Superintendent of Police, Detective, Sonipat, it has been mentioned in para 6, that petitioner-Rahul was confined in District Jail, Panipat in case FIR No.53 dated 18.01.2019 *inter alia* under Sections 302/34 of IPC. He also refers to the allegations that as per the complainant, three boys snatched his car. It was also alleged in the FIR, that one boy had pointed his pistol at the

friend of the complainant and fired at him which stuck at right leg of Bhagwant Bansal (friend of the complainant). He, therefore, submits that the petitioners have only injured the friend of the complainant.

Faced with the situation, learned counsel for the petitioners submits that the petitioners are the young boys of 22 and 26 years of age, respectively. He also submits that the petitioner-Gaurav is not involved in any other case except the present case. Learned counsel also submits that he has instructions from the petitioners and their relatives that in order to show their bona fide they are ready to deposit Rs.20,000/- each with the trial Court, which may be disburse to the injured towards medical expenses. Learned counsel, however, submit that due to the present COVID-19 situation and also the fact that trial is likely to take some time, detention of the petitioners in jail would be dangerous to their lives, therefore, petitioners may be granted concession of regular bail.

In view of the peculiar facts as noticed above, considering the existing situation due to COVID and the fact that trial is likely to take time, this Court deems it appropriate to release the petitioners on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned, subject to their furnishing bail bonds/surety bonds.

In addition to the bail/surety bonds, accepting the offer made by counsel for the petitioners, the petitioners would deposit Rs.20,000/- each with the Trial Court/Duty Magistrate concerned. The amount so deposited by the petitioners be handed over to the injured towards medical expenses. The same shall be without prejudice to defence

of the petitioners before the trial Court.

It is also made clear that that in case they are found involved subsequently in any other crime, 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.

Disposed of accordingly.

(GIRISH AGNIHOTRI)
JUDGE

08.10.2020
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Whether speaking/ reasoned:	Yes/No
Whether Reportable:	Yes/No