

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

202 - CRM-M-18690-2021

Date of Decision: 21.05.2021

Shekhar Singh @ Shekhar @ Abhishek Singh ... Petitioner
VS.
State of Punjab ... Respondent

CORAM: HON'BLE MR.JUSTICE GIRISH AGNIHOTRI

Present: Mr. BD Sharma, Advocate for the petitioner
Mr. MS Nagra, AAG Punjab

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 Shekhar Singh @ Shekhar @ Abhishek Singh aged 21 years has filed the present petition *inter alia* with a prayer for grant of regular bail in case FIR No.231 dated 07.08.2020 under Sections 379-B(2), 148, 149 IPC, registered at PS Sadar Amritsar, District Police Commissionerate, Amritsar.

Learned counsel for the petitioner submits that a perusal of the FIR would show that FIR was registered by alleging that 5 young persons riding 2 motor cycles forcibly snatched away complainant's mobile phone and money. Learned counsel then makes reference to para 9 of the petition to submit that the ground mentioned in the order dated 12.04.2021 (P2) is no more available to the State because petitioner vide order dated 16.03.2021 (P3) has been granted bail in FIR No.108 dated 2020. He is in custody since 17.08.2020.

Learned State counsel has opposed the prayer made by the petitioner on merits. He submits that the petitioner was found involved in one more case under Section 379-B(2)/34 IPC.

Learned counsel for the petitioner submits that the petitioner is a young boy aged 21 years. Learned counsel submits that the he has instructions from the petitioner and his family members that they would give an undertaking that the petitioner would not involve himself in any criminal case after today; they, in order to show their *bona fides*, would deposit an FDR in the name of the petitioner for an amount of Rs.50,000/- with the trial Court.

It is then submitted that due to the present COVID-19 situation also, 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 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 his counsel, the petitioner would (i) give an undertaking that he would not involve himself in any criminal case after today; (ii) in order to show his *bona fides*, and as offered by his learned counsel, the petitioner would deposit an FDR for an amount of Rs.50,000/- in his own name with the Trial Court/Duty Magistrate concerned and give an undertaking which shall be duly sent to the Bank that the said FDR shall not be encashed by anyone.

It is also made clear that, in case, the petitioner is subsequently found involved and guilty in any other case (after today), the aforementioned FDR shall be forfeited and will be deposited in the Government Treasury. The same shall be without prejudice to defence of the petitioner before the trial Court. However, it is made clear that anything observed herein shall not be construed as an expression on merits of the case.

The petition stands disposed of accordingly.

21.05.2021

vishal shonkar

**(Girish Agnihotri)
Judge**

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

Yes/No
Yes/No