

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

205 - CRM-M-18926-2021
Date of Decision: 21.05.2021

Harbhej Singh @ Bheja

... Petitioner

VS.

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE GIRISH AGNIHOTRI

Present: Mr. GS Dhillon, 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 Harbhej Singh @ Bheja aged 34 years has filed the present petition *inter alia* with a prayer for grant of regular bail in case FIR No.34 dated 09.02.2020 under Section 379-B(2) IPC registered at PS Ranjit Avenue, Amritsar.

Learned counsel for the petitioner submits that in the FIR dated 09.02.2020, reference is made to 'unknown person(s)'. He submits that the name of the petitioner only came up when on 14.05.2020, during interrogation in another FIR No.103 dated 16.04.2020, they are stated to have allegedly confirmed regarding forcible snatching of vehicle. Petitioner is stated to be in custody since long.

Learned State counsel has opposed the prayer made by the petitioner on merits. He submits that the petitioner is a habitual offender and as per the custody certificate, the petitioner has been found involved in 5 more cases. As such the petitioner does not deserve the concession of regular bail.

Learned counsel for the petitioner submits that the petitioner is a young boy aged 34 years. He was arrested in this case in August, 2020. Learned counsel further 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.1 lakh 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.1 lakh 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

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

(Girish Agnihotri)
Judge

Yes/No
Yes/No