

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

207 - CRM-M-19085-2021

Date of Decision: 21.05.2021

Mohit @ Bhura

... Petitioner

VS.

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE GIRISH AGNIHOTRI

Present: Mr. Parveen Kaushik, Advocate for the petitioner
Ms. Palika Monga, 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 Mohit @ Bhura aged 22 years has filed the present petition *inter alia* with a prayer for grant of regular bail in case FIR No.0261 dated 11.08.2020 under Sections 379-B/34 IPC and Section 25 of the Arms Act, 1959 registered at PS Sadar Bahadurgarh, District Jhajjar.

Learned counsel for the petitioner by making reference to the pleadings in the petition submits that the petitioner is not named in the FIR. By making reference to para 4 of the petition, he submits that even after disclosure statement of co-accused, no recovery has been effected from the petitioner. The petitioner has been in custody since 13.10.2020.

Learned State counsel has opposed the prayer made by the petitioner on merits. He submits that the petitioner was found involved in two more cases.

Learned counsel for the petitioner submits that the petitioner is a young boy aged 22 years. Learned counsel further submits that 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

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

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| 1. Whether speaking/reasoned? | Yes/No |
| 2. Whether reportable? | Yes/No |