

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

209 - CRM-M-20865-2021 (O&M)

Date of Decision: 27.05.2021

Parveen @ Panna

... Petitioner

VS.

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE GIRISH AGNIHOTRI

Present: Mr. Sanjeev Majra, Advocate for the petitioner

Mr. Tapan Kumar, 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 Parveen @ Panna aged 29 years has filed the present petition *inter alia* with a prayer for grant of regular bail in case FIR No.505 dated 02.12.2019 under Section 379-B/393/397/398/34/120-B IPC and Section 25/54/59 of Arms Act, 1959 registered at PS Kherki Daula, District Gurugram.

Learned counsel for the petitioner submits that a perusal of the FIR would show that there is no specific allegation against the petitioner. It is further submitted that he has allegedly been attributed the role to be holding the complainant from behind and another co-accused person had fired.

Learned counsel submits that the petitioner was arrested on 09.12.2019 and has thus completed almost 1 ½ year of custody. He submits that the petitioner is a young man of 29 years.

Learned State counsel on instructions from ASI Vijender Singh submits that the investigation is complete; challan was presented on

31.12.2020 and there are total of 12 witnesses and 3 witnesses have been examined till date. Learned State counsel has opposed the granting of bail as the petitioner is found involved in 2 more cases. He submits that in case bail is granted to the petitioner, it is very likely that he will again indulge in the same crime.

Learned counsel for the petitioner submits that the petitioner is a young boy aged 29 years. He 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 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.2 lakhs 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.2 lakhs 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.

27.05.2021

vishal shonkar

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

(Girish Agnihotri)
Judge

Yes/No
Yes/No