

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

219

CRM-M-22145-2021

Date of decision: 11.06.2021

Noor Hassan alias Noorsain

.....Petitioner

versus

State of Haryana

....Respondent

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. Karan Singh, Advocate for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

GIRISH AGNIHOTRI, J. (Oral)

The matter has been taken up through video-conferencing on account of restrictions due to outbreak of pandemic COVID-19.

Petitioner-Noor Hassan alias Noorsain, stated to be aged 56 years, has filed the present petition *inter alia* with a prayer for grant of regular bail in case FIR No.73 dated 08.04.2010, registered under Sections 406, 420 & 506 of Indian Penal Code at Police Station Kurukshetra, District Kurukshetra.

Learned counsel for the petitioner, by making reference to the pleadings in the petition, submits that in the FIR no offence is made out against the petitioner. He submits that it is not probable that Rs.10,00,000/- (rupees ten lacs only) would be paid as cash by anyone.

Notice of motion.

On asking of the Court, Mr. Gurmeet Singh, AAG, Haryana,

accepts notice on behalf of the State.

On instructions from SI Nafe Singh, learned State counsel submits that there are two cases pending against the petitioner other than the present case. One case is under Sections 420 & 506 IPC and other is filed under Section 174-A IPC. Learned State counsel further submits that the petitioner was arrested in the present case on 10.03.2021. It is also submitted that challan in this case has been presented on 03.04.2021 and there are total 13 witnesses, out of which, none has been examined till date. Learned State counsel further submits that since two other FIRs are pending against the petitioner, he is likely to involve himself in same/similar crime.

Faced with the situation, learned counsel for the petitioner submits that the petitioner has been released on bail vide order dated 04.03.2021 (Annexure P-2), passed by the Court of Judicial Magistrate 1st Class, Kurukshetra. He then submits that he has instructions from the petitioner to submit that in order to show his bona fide, the petitioner would get an FDR worth Rs.5,00,000/- (rupees five lacs only) made in his own name and deposit with the trial Court, which shall remain as security till further orders of the trial Court. Counsel further submits that the petitioner would give an undertaking that he will not involve himself in any other case (today onwards) and in case, he is found involved and found guilty, the above said amount of the FDR can be confiscated and deposited in the Government treasury.

Learned counsel for the petitioner also submits that in view of the COVID situation, 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 peculiar facts noticed above and the present situation due to COVID-19 and also 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 addition to the above said bail/surety bonds, in pursuance to the offer made by counsel for the petitioner, the petitioner would deposit an FDR of Rs.5,00,000/- (rupees five lacs only) made in his own name to the trial Court, which shall remain as security till further orders of the trial Court. The petitioner is also directed to give an undertaking that he will not involve himself in any other case (today onwards) and in case, he is found involved and found guilty in any other case, the amount of the said FDR shall be confiscated and deposited in the Government Treasury. The above said offer shall be without prejudice to the 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.

Accordingly, the present petition stands disposed of.

(GIRISH AGNIHOTRI)
JUDGE

11.06.2021

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Whether speaking/ reasoned:
Whether Reportable:

Yes/No
Yes/No