

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CRM NO. M-9414 OF 2014 (O&M)
DECIDED ON : 19.01.2015**

Subhash Chander

...Petitioner

versus

State of Punjab and another

...Respondents

and

CRM NO. M-26086 OF 2014

Subhash Chander

...Petitioner

versus

State of Punjab and another

...Respondents

and

CRM NO. M-30263 OF 2014

Amarjeet Singh

...Petitioner

versus

State of Punjab and another

...Respondents

CORAM : HON'BLE MR. JUSTICE K. C. PURI

Present : Mr. S. P. S. Sidhu, Advocate,
for the petitioner-Subhash Chander.

Mr. Anmol Rattan Sidhu, Senior Advocate with
Mr. Pratham Sethi, Advocate,
for the petitioner- Amarjeet Singh.

Mr. K. D. Sachdeva, Addl. AG, Punjab.

Mr. Salil Bali, Advocate,
for respondent No.2.

K. C. PURI, J. (ORAL)

Vide this common order, I intend to dispose of three petitions bearing **CRM No. M-9414 of 2014** titled as, "**Subhash Chander vs. State of Punjab and another**" filed by the petitioner for grant of anticipatory bail, **CRM No. M-26086 of 2014** titled as, "**Subhash Chander vs. State of Punjab and another**" filed by the petitioner for quashing the order dated 05.07.2014 (Annexure P-3) passed by the trial court vide which the petitioner has been declared proclaimed offender and **CRM No. M-30263 of 2014** titled as, "**Amarjeet Singh vs. State of Punjab and another**" filed by the petitioner for grant of regular bail, as all these petitions have arisen out of the same complaint.

Briefly stated, FIR No. 279 dated 21.09.2009 under Sections 302/34 of the Indian Penal Code (in short "the IPC") was registered at Police Station City Abohar, District Fazilka against the petitioners and others. After investigation, the police produced the cancellation report. Feeling dissatisfied with the same, Kulwinder Singh complainant filed a private complaint in which the present petitioners have been summoned along with others to face trial.

Learned counsel for the petitioner Subhash Chander has submitted that petitioner remained in custody for about three

months and thereafter, on presentation of cancellation report, he was released from the custody and now he has been summoned vide order 29.11.2013 passed by Shri Jagjeet Singh, Judicial Magistrate Ist Class, Abohar, to stand trial for an offence punishable under Sections 302/34/120-B IPC.

Learned counsel for the petitioner Subhash Chander has further submitted that the petitioner has been declared proclaimed offender during the pendency of the present petition and separate petition has been filed for quashing the order dated 05.07.2014 (Annexure P-3) passed by the trial court vide which the petitioner has been declared proclaimed offender.

Learned counsel for the petitioner Amarjeet Singh has submitted that petitioner is in custody since 07.07.2014. It is a complaint case and cancellation report has already been submitted in the FIR case. The deceased died due to fall from the stairs as he had consumed liquor. It is further submitted that the doctor has opined that the injuries found on the dead body of deceased Gurcharan Singh could be the result of fall. It is further submitted that the marriage of son of petitioner Amarjeet Singh was to be solemnized on the date of occurrence and nobody will commit murder on such a day when marriage of his son is to be solemnized. So, prayer has been made for grant of regular bail to the petitioner Amarjeet Singh.

Learned counsel for complainant/respondent No.2 has opposed the prayers made in the above mentioned three

petitions and has submitted that cancellation report has been duly discussed while passing the summoning order. The case is punishable with death penalty. So, the petitioners are not entitled to grant of anticipatory or regular bail.

Learned State counsel has submitted that the accused have been declared innocent by taking into account the report of doctor and other evidence. So, in these circumstances, the petitioners are entitled to grant of bail.

I have considered the submissions made by learned counsel for the parties and have gone through the records of the case.

It is not disputed during the course of arguments that on the day of occurrence there was marriage of son of petitioner Amarjeet Singh. The photographs which have been placed on record clearly shows that deceased Gurcharan Singh was taking liquor. The accused have been declared innocent during investigation. They have been now summoned in a private complaint. No motive has been attributed for causing the death of Gurcharan Singh. Petitioner Subhash Chander remained in custody for three months.

It is also not disputed during the course of arguments that order declaring the petitioner Subhash Chander as proclaimed offender, has been passed during the pendency of present petition.

It is further not disputed that petitioner Amarjeet Singh is in custody since 07.07.2014.

So, considering whole of the circumstances, all the three petitions stand accepted. Petitioner Subhash Chander is ordered to be released on bail on his furnishing bail bonds to the satisfaction of trial court and the order dated 05.07.2014 (Annexure P-3) declaring him as proclaimed offender also stands quashed. Petitioner Amarjeet Singh is also ordered to be released on bail on his furnishing bail bonds to the satisfaction of trial Court.

All the petitions stand disposed of accordingly.

JANUARY 19, 2015
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(K. C. PURI)
JUDGE