

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

**CRM-M No.31503 of 2015 (O&M)
Date of Decision: 15.03.2016**

Sunil @ Cheeku

..... Petitioner

Vs.

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Jangvir S. Hooda, Advocate for the petitioner.

Mr. Gaurav Dhir, Deputy Advocate General, Haryana
for the respondent/State assisted by ASI Karam Singh.

Mr. Ravinder Hooda, Advocate for the complainant.

JASWANT SINGH, J. (Oral)

Present petition is for grant of regular bail under Section 439 Cr.P.C. to the petitioner/accused-Sunil @ Cheeku in case FIR No.392 dated 30.07.2014, under Sections 148, 302, 201, 435 read with Section 149 of the Indian Penal Code and Sections 25/54/59 of the Arms Act, registered with Police Station Hodal, District Palwal.

As per the eye-witness account of Dwarka, 08 named accused along with 02 unknown persons, armed with *Lathis*, *Knives* and *Swords* etc., had waylaid his nephew-Ved Parkash. They are alleged to have caused the death of Ved Parkash by inflicting injuries.

As per the M.L.R., deceased-Ved Parkash has suffered four injuries.

The role attributed to the present petitioner-Sunil @ Cheeku has surfaced on the disclosure statements of the main accused-Manoj @ Anmol and Harender @ Harro, whereby it is alleged that the petitioner-Sunil @ Cheeku had caused a *Sword* blow at the right leg below the knee of Ved Parkash (since deceased).

In the order passed by the trial Court dismissing the prayer for grant

of interim relief to the petitioner, there was a confusion as to whether the

petitioner was being summoned under Section 319 Cr.P.C. or otherwise.

Due to that confusion, on the representation of the petitioner that he was summoned under Section 319 Cr.P.C., this Court vide order dated 17.09.2015, had permitted the petitioner to surrender before the trial Court and was ordered to be released on interim bail. The petitioner is thus stated to be on interim bail.

At the time of hearing, reply of Sh. Bhagat Ram, DSP, Hodal has been filed in the Court, which is taken on record. Copy of the same has been furnished to learned opposite Counsel.

It is revealed that only Sikander, Arjun, Dharambir, Partap, Inderjit and Bhushan were found innocent and put in Column No.2. As regards the present petitioner-Sunil @ Cheeku along with co-accused/non-applicants-Harender @ Harro and Suresh, they were declared proclaimed offenders, vide order dated 16.03.2015. The challan also is stated to have been presented against the present petitioner on 12.05.2015.

Learned State Counsel, assisted by ASI Karam Singh, submits that since the petitioner was declared a proclaimed offender and could never join the investigation, his custody is required for recovering the *Sword (Talwar)* and ascertaining his complete role. Thus, grant of anticipatory bail is contested.

Keeping in view the aforesaid facts and the specific role with the specific weapon having been attributed to the present petitioner in a case of murder, his custodial interrogation would be required to complete the chain of investigation.

Accordingly, the present petition stands dismissed.

The interim bail granted pursuant to the order passed by this Court shall stand cancelled.

March 15, 2016

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**(JASWANT SINGH)
JUDGE**