

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

219

CRM-M-2311-2020

Date of decision: 27.01.2020

Sonu @ Chela

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

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

Mr. Arjun Singh Yadav, Asstt. A.G., Haryana
for the respondent-State.

ARUN KUMAR TYAGI, J (ORAL)

Prayer in the present 1st petition filed under Section 439 of the Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.407 dated 01.09.2017 registered under Section 365 of the Indian Penal Code, 1860 (for short 'the IPC') at Police Station Sadar Rohtak, District Rohtak to which Sections 302 and 201 read with Section 34 of the IPC were added later on.

As per the prosecution version given in the FIR lodged by complainant-Rajesh Devi mother of deceased-Naveen, on 23.08.2017 at about 04.30 p.m., Ramu, Bajrang, Sandeep @ Bacchi and petitioner-Sonu @ Chela had taken her son-Naveen from his house on the pretext of going out but said Naveen did not return to his house. Since all four of them gave different explanations, the complainant suspected their involvement in disappearance of her son. During investigation skelton was recovered near the canal in the area of village Bhalaout on 09.11.2017. On completion of investigation, the police filed report

under Section 173(2) of the Cr.P.C. against the petitioner and his co-accused for having committed murder of Naveen and destroyed evidence.

Learned Counsel for the petitioner has submitted that the FIR was registered merely on the basis of suspicion after undue and unexplained delay of 9 days. Skeleton was recovered near the canal in the village Bhalaout on 09.11.2017. Teeth extracted from the skeleton was sent to FSL for matching of its DNA with blood sample of mother of the deceased-Naveen but as per the FSL report necessary DNA profile could not be obtained from teeth extracted from the skeleton necessary to compare it with DNA profile of the mother of deceased. The petitioner is in custody since 14.11.2017. Only 2 witnesses out of 23 witnesses have been examined. The trial is likely to take long time. No useful purpose will be served by detention of the petitioner during trial. Co-accused Sandeep @ Bachhi has already been granted bail by this Court vide order dated 13.12.2019 while co-accused Sandeep son of Satbir has been granted by learned Sessions Judge, Rohtak vide order dated 20.12.2019 and co-accused Ramu and Bajrang have already been granted bail by learned Sessions Judge, Rohtak vide order 06.12.2018, respectively. Therefore, the petitioner may be ordered to be released on regular bail.

On the other hand, learned State Counsel has argued that the petitioner is accused of having committed serious offence and the petitioner does not deserve the concession of regular bail.

Keeping in view the facts and circumstances of the case, absence of positive evidence as to identification of skeleton by

matching of its DNA profile with that of mother of deceased-Naveen, the period of his custody and parity with his co-accused who have already been granted regular bail by this Court vide order dated 13.12.2019 and learned Sessions Judge, Rohtak vide orders dated 06.12.2018 and 20.12.2019 but without expressing any opinion on merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail. Therefore, the petition is allowed and the petitioner is ordered to be released on bail on furnishing of bail bonds to the satisfaction of the Trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

27.01.2020

kavneet singh

**(ARUN KUMAR TYAGI)
JUDGE**

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No