

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

112

CRM-M-12789-2020 (O&M)

Date of decision : 27.05.2020

Sandeep @ Dipli and another

.....Petitioners

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Sandeep Verma, Advocate
for the petitioner.

Mr. Kuldeep Tiwari, Addl. A.G. Haryana
for the respondent-State.

ARUN KUMAR TYAGI, J (ORAL)

The case has been taken up for hearing through video-conferencing.

CRM-11007-2020

Prayer in the application filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'the Cr.P.C.') is for exemption from filing the court fee during the period of lock down.

In view of the lock down restrictions imposed to prevent spread of Covid-19 and the reasons mentioned in the application, the same is allowed and the petitioners are exempted from filing the court fee during the period of lock down and the same be filed on the next date of hearing.

CRM-M-12789-2020

The petitioners have filed present (1st) petition under Section 439 of the Cr.P.C. for grant of regular bail to them in case FIR No.1346 dated 09.09.2017 registered under Sections 302 and 201 read with Section 34 of the Indian Penal Code, 1860 at Police Station City Jagadhri, District Yamunanagar.

The abovesaid FIR was registered on statement of Amarnath who alleged that on 08.09.2017 when he along with his wife

Sushma was present in his house at about 6:00 p.m. accused Amit @ Kaki, Suraj, Abhishek and Chidi came to his house and took his son Rajat with them who did not return. On search, his burnt dead body was found near the drain of dirty water. The police investigated the case and on completion of investigation, charge-sheeted accused Amit @ Kaki, Suraj and Neeraj. Abhishek, a juvenile was sent by the Juvenile Justice Board for trial as an adult. On application filed under Section 319 of the Cr.P.C. accused Chidi, Arun Kumar and Sandeep @ Dipli (petitioners) were summoned to face trial but they did not put in appearance on which they were declared proclaimed offenders.

The petitioners, who are in custody since their arrest on 13.03.2020, have filed the present petition for grant of regular bail.

Copy of the petition has already been supplied to learned State Counsel who has opposed the petition.

I have heard learned Counsel for the petitioners and learned State Counsel and gone through the relevant record.

Learned Counsel for the petitioners has argued that the petitioners, who were summoned under Section 319 of the Cr.P.C., have been falsely implicated in the case. The petitioners had filed petition challenging order summoning them and were wrongly declared proclaimed offenders. Co-accused Amit @ Kaki, Suraj, Abhishek and Neeraj were acquitted by learned Additional Sessions Judge, Yamunanagar at Jagadhri vide judgement dated 05.02.2020. The trial is likely to take long time. No useful purpose will be served by detention of the petitioners in custody during trial. Therefore, the petitioners may be granted regular bail.

On the other hand, learned State Counsel has argued that the petitioners having committed heinous offence and having absconded after their summoning do not deserve the concession of regular bail. Therefore, the petition may be dismissed.

The petitioners had challenged the order summoning them under Section 319 of the Cr.P.C. The petitioners were declared proclaimed offender during pendency of the petition. The petitioners also challenged the order declaring them as proclaimed offenders. In

view of the facts and circumstances of the case, nature of accusation against the petitioners, the factum of acquittal of co-accused Amit @ Kaki, Suraj, Abhishek and Neeraj and the fact that the trial is likely to take long time but without commenting on the merits of the case, I am of the considered view that the petitioners deserve the concession of regular bail.

Therefore, the petition is allowed and the petitioners are ordered to be released on regular bail on furnishing of bail bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

27.05.2020

Kothiyal

**(ARUN KUMAR TYAGI)
JUDGE**

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