

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

209

CRM-M-13634-2020

Date of decision: 18.06.2020

Chidi @ Arun

.....Petitioner

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.

Mr. Manoj Kumar Pundir, Advocate
for the complainant.

ARUN KUMAR TYAGI, J (ORAL)

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

The petitioner has filed the present (first) petition under Section 439 of the Code of Criminal Procedure, 1973 (for short, "the Cr.P.C.") for grant of regular bail 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 (for short, "IPC") 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 (petitioner) 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 (petitioner), Arun Kumar and Sandeep @ Dipli were summoned to face trial but they did not put in appearance on which they were declared proclaimed offenders.

The petitioner being in custody since the date of his arrest on 16.03.2020 has filed the present petition for grant of regular bail.

Pursuant to supply of advance copy learned State counsel has put in appearance and opposed the bail petition.

Learned counsel for the complainant has also put in appearance and filed his power of attorney through e-mail print out of which is taken on record.

I have heard learned counsel for the petitioner, learned State counsel and learned counsel for the complainant and gone through the relevant record.

Learned counsel for the petitioner has argued that the petitioner, who was summoned under Section 319 of the Cr.P.C., has been falsely implicated in the case. The petitioner had filed petition challenging order summoning him and was wrongly declared proclaimed offender. 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. Co-accused Sandeep @ Dipli and Arun Kumar have been granted regular bail by this Court vide order dated 27.05.2020. No useful purpose will be served by detention of the

petitioner in custody during trial. Therefore, the petitioner may be granted regular bail.

On the other hand, learned State Counsel and learned counsel for the complainant have argued that the petitioner committed heinous offences and absconded after his summoning. The petitioner does not deserve the concession of regular bail. Therefore, the petition may be dismissed.

The petitioner had challenged the order summoning him under Section 319 of the Cr.P.C. The petitioner was declared proclaimed offender during pendency of the petition. The petitioner also challenged the order declaring him as proclaimed offender. In view of the facts and circumstances of the case, nature of accusation against the petitioner, the factum of acquittal of co-accused Amit @ Kaki, Suraj, Abhishek and Neeraj, parity of his case with that of co-accused Sandeep @ Dipli and Arun Kumar who have been granted bail by this Court vide order dated 27.05.2020 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 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 personal bond with bond of one surety to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

18.06.2020

Vinay

(ARUN KUMAR TYAGI)
JUDGE

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