

117 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M No.15721 of 2020
Date of Decision: 19.06.2020

Anuj Chandalia

..... Petitioner

Versus

State of U.T., Chandigarh

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Sudesh K.Khurcha, Advocate,
for the petitioner.

Mr. Gagandeep Singh Wasu, Additional Public Prosecutor,
for U.T., Chandigarh-respondent.

SUDIP AHLUWALIA, J. (ORAL)

The instant petition has been filed under Section 439 of the Code of Criminal Procedure seeking regular bail in case FIR No.122 (Annexure P-1) dated 04.08.2017, under Sections 364-A, 365 and 34 of the Indian Penal Code, registered at Police Station IT Park, Chandigarh.

[2]. The petitioner was arrested on 08.08.2017.

[3]. All his previous bail applications have been dismissed by this Court on various occasions in the past. He was specifically named as the main culprit by the complainant-victim, who was allegedly kidnapped for ransom, taken to a remotely situated hut and subjected to gruesome violence/torture.

[4]. Now, the petitioner seeks his release on bail on the ground that

due to pendency of CRM-M-64427-2018, which has been filed at the instance of a co-accused seeking quashing of the proceedings against him on the ground that he has amicably settled the matter with the complainant-victim, the proceedings in trial have been stayed by the order of a Co-ordinate Bench of this Court on 20.03.2020, which order is still operative.

[5]. Ld. State Counsel, however, submits that even assuming the proceedings to be stayed at the instance of a co-accused, the order passed in that revisional application would not be an order *in rem* so as to operate against the co-accused persons, who are not parties to the concerned revision.

[6]. In such situation, where the petitioner is aggrieved by the fact that proceedings in trial have been stayed, which results in causing unnecessary delay in conclusion of the trial qua him, on account of which he seeks his release on bail, submission on behalf of Ld. Counsel for the U.T. is that there is no binding order to stay the routine Trial in respect of somebody, who is not a party to the subsequent proceedings.

[7]. It is further submitted by Ld. State Counsel that all the prosecution witnesses in the Ld. Trial Court have already been examined and the matter is now fixed for hearing, of final arguments, on 27.06.2020. In such circumstances, it is submitted that the Ld. Trial Court can be directed to proceed in accordance with law, so far as the fate of the trial concerns the present petitioner.

[8]. This Court finds substance in the above arguments.

[9]. Considering the grievous/heinous nature of offence committed

in the present case, which resulted in dismissal of all his previous bail applications in the past, this Court is not inclined to grant any interim relief to the petitioner, at this stage.

[10]. The present petition, therefore, stands dismissed with a direction upon the Ld. Trial Court to proceed with hearing of final arguments on the date already fixed in respect of all those accused persons facing the trial, who are not the parties in CRM-M-64427-2018, and it is clarified that any interim order in CRM-M-64427-2018 is applicable only qua the co-accused Manoj @ Chinese, who is the petitioner in the said proceeding, and does not cover the others including the present petitioner. The Ld. Trial Court is further requested to complete the trial against all other co-accused, who are not the parties to CRM-M-64427-2018, as expeditiously as possible and preferably within a month from the date of receipt of certified copy of this order.

19.06.2020*Apurva***(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/ reasoned : Yes/ No
2. Whether reportable : Yes/ No