

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

205 - CRM-M-18747-2021 (O&M)

Date of Decision: 27.05.2021

Tarun Kumar

... Petitioner

VS.

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE GIRISH AGNIHOTRI

Present: Mr. APS Deol, Sr.Advocate with
Mr. HS Deol, Advocate for the petitioner

Ms. Palika Monga, DAG Haryana

GIRISH AGNIHOTRI, J. (Oral)

The matter has been taken up through video conferencing on account of lockdown due to outbreak of COVID-19 pandemic.

The petitioner Tarun Kumar aged 47 years has filed the present petition *inter alia* with a prayer for grant of regular bail in case FIR No.182 dated 11.06.2020 under Section 302/201/120-B IPC registered at PS Chandimandir, District Panchkula.

On 21.05.2021, this Court while issuing notice of motion, passed the following order:-

“Petitioner-Tarun Kumar, stated to be aged 47 years, has filed the present petition inter alia with a prayer for grant of regular bail in case FIR No.182 dated 11.06.2020, registered u/s 302, 201, 120-B of IPC, at Police Station Chandimandir District Panchkula.

Learned counsel for the petitioner submits that the petitioner has a good prima facie case on merits. He submits that for no stretch of imagination it could be treated a case of last seen evidence as there is no incriminating evidence connecting the petitioner to the same.

Notice of motion.

On asking of the Court, Ms. Palika Monga, DAG, Haryana, accepts notice on behalf of respondent-State and prays for short accommodation.

List on 27.05.2021.”

Learned senior counsel by making reference to the pleadings *inter alia* submits that a perusal of the FIR would show that the same was registered on 11.06.2020 on the statement of Rajpal, Chowkidar Eco City disclosing that there is a dead body of an unknown person. Accordingly, an FIR was registered on 11.06.2020 against unknown persons. He then submits that after the said FIR, the petitioner was only arrested on 21.06.2020 apparently, on the basis of suspicion. He further submits that this cannot be said to be the case of ‘last seen’ because from the statement of Bhimsen Makkar, it can still not be concluded that he had allegedly seen the petitioner and the deceased together. It is also the case of the petitioner that the tower location of the deceased does not suggest that it was in the tower location of Mohali. Learned senior counsel then submits that the hotel in which the petitioner is stated to have stayed does not show that at any point of time, the deceased had come to meet him. He lastly submits that in fact the petitioner in his income tax returns had shown that the 3 companies in which the deceased was also one of the partners/directors had owed more than Rs.50 lakhs to the petitioner.

Notice of motion.

On the asking, Ms. Palika Monga, DAG Haryana accepts notice through video conferencing.

Learned State counsel, on instructions from ASI Vinod Kumar submits that in this case, the challan was presented on 16.09.2020. She submits that there is a statement of Bhimsen Makkar based upon which the

petitioner was arrested. She also refers to para 5 of the order dated 18.03.2021 to submit that there were certain connecting facts based on which the petitioner was arrested. Learned State counsel thus opposes the grant of regular bail to the petitioner on merits but is not in a position to refute the factual position.

Learned senior counsel for the petitioner submits that the petitioner is in custody since 20.06.2020 and has thus almost completed one year of custody. He submits that since the submission of challan, till date no further effective proceedings have taken place and the matter is now fixed for 19.07.2021. He further submits that due to COVID-19 situation, the accused persons are not being produced before the Court and now the next date is fixed as 19.07.2021. It is then submitted that due to the present COVID-19 situation also, detention of the petitioner in jail would be dangerous to his life and also the fact that trial is likely to take some time, the petitioner may be granted concession of regular bail.

In view of the facts noticed above, the present situation due to COVID-19 and the fact that trial is likely to take some time, this Court deems it appropriate to direct release of the petitioner on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned, subject to his furnishing bail bonds/surety bonds.

However, it is made clear that anything observed herein shall not be construed as an expression on merits of the case.

The petition stands disposed of accordingly.

27.05.2021

vishal shonkar

1. *Whether speaking/reasoned?*
2. *Whether reportable?*

(Girish Agnihotri)
Judge

Yes/No
Yes/No