

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

CWP No.19374 of 2015
Date of Decision: 15.06.2015

Sukesh Puri

. . . .Petitioner

Versus

State of Punjab

. . . . Respondent

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: Mr.Inderjit Sharma, Advocate,
for the petitioner.

Mr.Shilesh Gupta, Addl. A.G. Punjab.

RAKESH KUMAR JAIN, J. (ORAL)

The petitioner has prayed for regular bail under Section 439 of the Code of Criminal Procedure, 1973 [for short 'the Cr.P.C.] in a case FIR No.58 dated 26.4.2015 registered under Sections 307, 377, 323, 34, 498-A, 406 and 120-B of the Indian Penal Code, 1860 [for short 'the IPC'] at Police Station Basti Bawa Khel, Jalandhar.

According to the FIR, registered at the instance of Kirti Puri, the petitioner had given a lalkara to his son to cause injury to the complainant.

Learned counsel for the petitioner has submitted that the petitioner is in custody since 26.4.2015 whereas a similarly situated person, namely his wife Suman Puri has already been released on bail under Section 438 of the Cr.P.C. It is also submitted that there has been a litigation between the complainant and her husband

Varun Puri as the husband had filed a petition under Section 9 of the Hindu Marriage Act, 1955 and the complainant had filed a petition under Section 125 of the Cr.P.C. In this rigmarole, the petitioner, who is 65 years of age, is being taken into custody only on the basis of a lalkara.

Learned counsel for the State, however, has admitted that the similarly situated person, namely, Suman Puri, has already been granted anticipatory bail.

After hearing learned counsel for the parties and keeping in view the facts and circumstances of the case, the present petition is allowed and the petitioner is directed to be released on bail by furnishing bail bonds/surety bonds to the satisfaction of CJM/Duty Magistrate, Jalandhar.

15.06.2015*Vivek***(RAKESH KUMAR JAIN)
JUDGE**