

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

-.-

Crl. Misc. No. M 2068 of 2015

Date of decision: 18.02.2015

Kulwant Singh *Petitioner*
Versus
Central Bureau of Investigation, Chandigarh *Respondent*

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. Baljinder Singh, Advocate
for the petitioner
Mr. Summet Goel, Advocate
for the CBI
Mr. Gazi Mohammad, DAG, Punjab
for the State of Punjab
Mr. C S Bakshi, Advocate
for the complainant

-.-

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether the judgment should be reported in the Digest?

Rekha Mittal, J.

The present petition under Section 439 read with Section 482 of the Code of Criminal Procedure has been preferred for grant of interim bail to enable the petitioner to attend wedding ceremonies of his daughter Prabhjot Kaur, scheduled to be held on 27.02.2015 at AKM Resorts, Zirakpur.

Counsel for the petitioner would contend that the petitioner is an accused in case No. RC No. 9 (s) 2012 dated 13.12.2012 for offence under Sections 302, 307, 326, 324, 201 read with Section 34 of the Indian Penal Code and Sections 25 and 27 of the Arms Act registered in Police Station CBI/SCB, Chandigarh. The marriage of the daughter of the petitioner namely Prabhjot Kaur is scheduled to be held on 27.02.2015 at

AKM Resorts, Zirakpur. The petitioner along with his real younger brother namely Dilbar Singh son of Labh Singh is confined in the District Jail Rupnagar. To enable the petitioner to be present at the time of ceremonies in connection with marriage of his daughter, he may be allowed interim bail.

Reply by way of short affidavit of Mr. Gursharandeep Singh Grewal, Superintendent of Police (D), SAS, Nagar, Mohali on behalf of the State of Punjab filed in Court is taken on record.

Counsel for the respondent-CBI Mr. Sumeet Goel, and counsel representing the complainant, Mr. C S Bakhsi have opposed the prayer with the submissions that presence of the accused/petitioner at the venue of wedding of his daughter is likely to create law and order problem, therefore, the petitioner is not entitled to grant of interim bail. It is further submitted that the petitioner earlier filed the application for interim bail for marriage of his son Jatinder Singh which was dismissed by this Court. The application filed by the petitioner for a similar relief in regard to marriage of a relative was dismissed by this Court on 19.11.2014. It is further argued that keeping in view the earlier reports submitted by the police, he does not deserve any indulgence for grant of interim bail.

I have heard counsel for the parties and perused the records.

There is no denial that marriage of daughter of the petitioner is scheduled to be held on 27.02.2015 at AKM Resorts, Zirakpur. In affidavit filed by Mr. Gursharandeep Singh Grewal, Superintendent of Police (D) SAS Nagar, Mohali, it has been submitted that in case the petitioner visits his native village, there is apprehension of breach in public tranquility as the opposite party has grudge against the petitioner but the local police have got no objection if the petitioner is directly brought from the District Jail

Rupnagar to the venue of marriage and taken back under escort and security as per the provisions of the Jail Manual.

Indisputably, marriage of the daughter of the petitioner is to be performed on 27.02.2015. It is not only desire of the petitioner to be present at this occasion is relevant, emotions and sentiments of his daughter to see that his father is a part of celebrations is of greater relevance.

Keeping in view the report submitted by the Superintendent of Police (D), SAS Nagar, Mohali on the basis of inquiry, the petition is allowed only to the extent that the petitioner would be brought from the District Jail Rupnagar under adequate security to enable him to be present at the venue of marriage from 10.00 am to 4.00 pm on 27.02.2015 subject, however, to the conditions that expenses for travelling and security shall be borne by the petitioner, to be deposited with the concerned Superintendent (Jail), District Rupnagar two days prior to 27.02.2015. However, assessment in regard to those expenses would be made by the authority concerned four days prior to 27.02.2015 and an intimation, in this regard, would be duly sent to the petitioner to enable him to do the needful. On failure of the petitioner to comply with the direction of this Court, the petition shall be deemed to be dismissed. An intimation with regard to return of the petitioner to jail would be sent to this Court.

Copy of this order be supplied to counsel for the State of Punjab under signatures of the Special Secretary attached to the Bench, for its necessary compliance.

(Rekha Mittal)
Judge

18.02.2015
mohan