

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-29303 of 2015

.....

Date of decision:4.9.2015

Harbans Lal

...Petitioner

v.

State of Punjab

...Respondent

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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

Ms. Simsi Dhir Malhotra, Deputy Advocate General, Punjab
for the respondent-State.

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Inderjit Singh, J.

The petitioner has filed this petition under Section 439 Cr.P.C.
for grant of regular bail in case FIR No.219 dated 25.6.2002 (Annexure-P.1)
registered for the offence under Section 498-A IPC at Police Station
Nakodar, District Jalandhar.

Notice of motion to Advocate General, Punjab.

On the asking of the Court, Ms. Simsi Dhir Malhotra, learned
Deputy Advocate General, Punjab has put in appearance and accepted
notice on behalf of the respondent-State and contested this petition. Police
record is also available.

I have heard learned counsel for the petitioner as well as

learned Deputy Advocate General, Punjab appearing for the respondent-State and have gone through the record.

A perusal of the record shows that the present petitioner is the younger brother of the husband of the complainant. As per the allegations, the complainant was married with Hans Raj since seven years before recording of the FIR in the year 2002. The main allegations are against husband and other family members. As per the averments made in the petition, all the co-accused have already been acquitted by the learned trial Court vide judgment dated 1.10.2010, copy of which has been placed on record as Annexure-P.2. The present petitioner is stated to have been declared proclaimed offender. Learned counsel for the petitioner stated that the petitioner was in the foreign country and was never served personally.

The petitioner is not the main accused and he is younger brother of the husband of the complainant and the FIR is only for the offence under Section 498-A IPC. The petitioner is in judicial custody since 16.7.2015. The petitioner is no more required for any interrogation and investigation purposes as he is in judicial custody. The co-accused have already been acquitted in this FIR. No useful purpose will be served by keeping the petitioner in custody.

Therefore, keeping in view the facts and circumstances of the present case; without discussing the facts in minute detail and without expressing any opinion on the merits of the case, this criminal miscellaneous petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal bond in the sum of ₹30,000/- with

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one surety in the like amount to the satisfaction of the trial Court/Duty
Magistrate.

September 4, 2015.

(Inderjit Singh)
Judge

hsp