

IN THE PUNJAB & HARYANA HIGH COURT AT CHANDIGARH

CRM-M-41593-2014

Date of decision : 13.01.2015

Satish Kataria

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr.Rajesh Lamba, Advocate
for the petitioner.

REKHA MITTAL, J.(ORAL)

The petitioner prays for grant of regular bail in FIR No.84 dated 17.09.2014 registered in Police Station Naya Gaon, District SAS Nagar Mohali, Punjab for offence punishable under Sections 498-A, 506 of the Indian Penal Code (in short 'IPC') (Section 313 IPC added later).

Counsel for the petitioner contends that the petitioner is the father in-law of the alleged victim Ms.Rajni Thakur and she was residing with her husband on first floor of the house of her parents in Naya Gaon and the parents are residing on the ground floor. It is further submitted that the petitioner along with his wife is residing at Faridabad and the allegations against the petitioner are that the husband of the victim caused physical assault on instigation and under instructions of the petitioner. It is further argued that the petitioner has already been remanded to judicial custody and therefore, no longer required for the purpose of investigation.

Notice of motion.

Mr. Ankur Jain, AAG, Punjab assisted by Mr. H.S. Deol, Advocate for the complainant has put in appearance on behalf of the State of Punjab. He has seriously opposed the prayer for bail with the submissions that keeping in view gravity of allegations, the petitioner does not deserve to be enlarged on bail.

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

It is none of the allegations of the complainant that the petitioner was present on the spot at the time of alleged beating by the non-applicant resulting in miscarriage. The accused has already been remanded to judicial custody and, therefore, no longer required for the purpose of investigation.

Without meaning to express any opinion on merits of the controversy, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds to the satisfaction of the trial Court subject to the following conditions:-

- (i) he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer; and
- (ii) he shall not leave India without the previous permission of the Court.

(REKHA MITTAL)
JUDGE

January 13, 2015.
Davinder Kumar