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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Judgment delivered on: 12th August, 2015

+ **BAIL APPL. No.1628/2015**

CHAGGAN SINGH ALIAS KOOKU Petitioner

Represented by: Mr.Rohit Katiyar and
Ms.Ananya Roy, Advs

versus

STATE OF NCT OF DELHI Respondent

Represented by: Mr.Mukesh Kumar, APP for the
State with Inspector Rajesh Kumar
Mishra and SI Narsi Prasad, PS Pul
Prahladpur, New Delhi in person.

CORAM:

HON'BLE MR. JUSTICE SURESH KAIT

SURESH KAIT, J. (Oral)

CrI.M.A.11577/2015 (for exemption)

Exemptions allowed, subject to all just exceptions.

Accordingly, the application is allowed.

BAIL APPL. No.1628/2015

1. Vide the present petition, petitioner seeks direction thereby releasing him on bail in case FIR No.65/2015 for the offences punishable under Section 304B/498A/34 of the IPC registered at police station Pul Prahlad Pur, New Delhi against him.

2. Learned counsel appearing on behalf of petitioner submits that the marriage between the petitioner and the deceased was a love marriage and the parents of deceased were not in favour of said marriage. Therefore,

she had no cordial relations with the parents and due to the pressure, she has committed the suicide. The petitioner has played no role in her death. Rather, petitioner was in fact in love with her and the moment he received the information, he left the office and reached the spot. This fact has been supported by one Ms.Geeta, whose statement was recorded by the police.

3. Learned counsel further submits that the main allegations are against the mother of the petitioner, who has already been released on anticipatory bail vide order dated 27.05.2015. The role of petitioner is not more than the role of his mother. Therefore, on parity the petitioner seeks bail in this case. He relied upon the decision of this Court rendered on 11.11.2010 in Bail Application No.1652/2010 titled *Rajesh v Sate*.

4. Perusal of the bail order dated 27.05.2015 granting bail to mother of the petitioner Sarla Devi, it is specifically mentioned that child of the deceased is only one year old and there is no one in the family to look after the child, accordingly mother of petitioner was granted bail. Thus, bail on parity cannot be granted to the petitioner. Moreover, the deceased i.e. wife of the petitioner died within seven years of the marriage. The charges against the petitioner are serious in nature. The presumption under law is against the petitioner, the charge sheet has already been filed against the petitioner after investigation, and after framing of charge matter is pending for trial. The material witnesses have not been examined. The decision relied upon by learned counsel for petitioner is distinguishable on facts as instant application is regular bail and the said case deals with situation of anticipatory bail.

5. In view of above, I am not inclined to grant bail to petitioner, at this

stage.

6. Accordingly, bail application stands dismissed.

**SURESH KAIT
(JUDGE)**

AUGUST 12, 2015

M/jg