

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

**Criminal Misc. No. M-15479 of 2016
Date of decision: 11.05.2016**

Dinesh

..Petitioner

Versus

State of Haryana

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspapers may be allowed to see judgment? Yes/No**
- 2. To be referred to reporters or not? Yes/No**
- 3. Whether the judgment should be reported in the Digest? Yes/No**

Present: Mr. A.S. Trikha, Advocate
for the petitioner.

Mr. Arun Kumar, AAG, Haryana
for the respondent – State.

Daya Chaudhary, J. (Oral)

This petition has been filed under Section 439 Cr.P.C. for grant of interim bail on behalf of petitioner, namely, Dinesh, who is facing trial in case FIR No.365 dated 06.09.2015 registered under Section 304-B of Indian Penal Code at Police Station Matlauda, District Panipat, for getting his son admitted in the School.

Learned counsel for the petitioner submits that the son of the petitioner is six years of age and for getting his admission in the next class and for depositing the fee, the presence of the petitioner is required as there is no other male member except his old mother. A certificate signed by Sarpanch of the Gram Panchayat Adiyana (Panipat) has also been placed on record wherein it has been mentioned by him that he knows the petitioner personally and his son

is six years of age. Learned counsel for the petitioner has also brought to the notice of this Court that as per writing on the fee receipt, the last date of admission is 05.05.2016 with late fee. The receipt has duly been signed by the Principal on 22.04.2016 and this petition came up for hearing before this Court for the first time on 06.05.2016.

Learned State counsel submits that except old mother of the petitioner, no other male member is there and the petitioner is facing trial in case registered under Section 304-B IPC after dowry death of his wife.

Heard arguments of learned counsel for the petitioner as well as learned State counsel and have also perused the documents available on the file.

Admittedly, the son of the petitioner is to get admission in the school and the presence of the petitioner is required. Although the date with late fee for admission has been mentioned to be 05.05.2016 but the delay has occurred not only because of the petitioner but due to learned State counsel as well as the information has been sought after getting two adjournments.

Keeping in view the interest of the child, the request of the petitioner is accepted and he is allowed to deposit the fee of the child while in Police custody.

The Principal of the concerned school is also directed to consider the case of the admission of the child sympathetically as it was brought to the notice by the learned counsel for the petitioner

subsequently that the date of admission has already expired with late fee.

Superintendent, District Jail, Karnal is also directed to allow the petitioner to make necessary arrangement for admission of his child while in Police custody.

Disposed of accordingly.

A copy of this order be supplied to learned counsel for the petitioner under the signatures of Special Secretary of the Court.

11.05.2016
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(DAYA CHAUDHARY)
JUDGE