

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

CRM-M-10196 of 2017(O&M)

Date of decision :28.11.2017

Shyam Singh

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Sarfraj Hussain, Advocate
for the petitioner.

Mr.Sanjay K. Saini, AAG, Haryana.

LISA GILL,J(Oral)

Petitioner seeks the concession of anticipatory bail in FIR No.288, dated 01.11.2015, under Section 498-A, 304-B, 302, 34 IPC, registered at Police Station Ferozepur Jhirka, District Mewat.

It is submitted that the petitioner is not related to the deceased nor is a close relative of the family of her in-laws. The deceased and her in-laws were in-fact residing at the premises owned by the present petitioner, who has nothing to do with the controversy in hand. It is submitted that during the pendency of this petition, the present petitioner was declared to be a proclaimed offender in an illegal manner on 06.04.2017. The petitioner, it is submitted is not involved in any other criminal case and he has appeared before the learned Sub-Divisional Judicial Magistrate, Ferozepur Jhirka on 03.10.2017 pursuant to interim order dated 24.08.2017. Photocopy of the said order is furnished in Court today. Therefore, this petition be allowed.

I have heard learned counsel for the parties.

Learned counsel for the State is unable to deny that the deceased and her in-laws were living in the house owned by the present petitioner.

Learned counsel for the State, on instructions from HC Surender Singh, Police Station Ferozepur Jhirka, verifies that the petitioner was indeed declared a proclaimed offender on 06.04.2017 during the pendency of the present petition after issuance of notice of motion. It is further verified that he has since appeared before the learned Sub-Divisional Judicial Magistrate, Ferozepur Jhirka on 03.10.2017 and he is not involved in any other criminal case.

There are no allegations on behalf of the State that the petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts in the Court, if released on bail.

Keeping in view the facts and circumstances as above, but without commenting upon or expressing any opinion on the merits of the case, this petition is allowed. Consequently, interim bail afforded to the petitioner be made absolute subject to petitioner furnishing fresh bail bonds and surety to the satisfaction of the learned Chief Judicial Magistrate, Mewat.

It is reiterated that none of the observations made herein above are a reflection on the merits of the case and shall have no bearing on the trial.

28.11.2017

s.khan

(LISA GILL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable: Yes/No