

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc. No. M-46088 of 2016 (O&M)
Date of Decision : January 12, 2017

Mukesh Petitioner

VERSUS

State of Haryana Respondent

CORAM : HON'BLE MRS. JUSTICE LISA GILL

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

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Present: Mr. Sanjiv Gupta, Advocate
for the petitioner.

Mr. Anmol Malik, AAG, Haryana.

...

LISA GILL, J. (Oral)

Crl. Misc. No. 40648 of 2016

Learned counsel for the petitioner seeks to withdraw this petition.

Dismissed as withdrawn.

Crl. Misc. M-46088 of 2016

Prayer in this petition is for grant of bail in case FIR No. 279 dated 11.07.2010 under Sections 363/366 IPC registered at Police Station Narnaund, District Hisar,

Learned counsel for the petitioner submits that no offence is made out against the petitioner who married Smt. Santro i.e. sister of the

complainant-Rajbir Singh @ Pappu in the year 2010 itself. The petitioner

was wrongly declared a Proclaimed Offender as he was, in fact, living at Dehradun along with his wife after their marriage. One child has been born out of this wedlock and the petitioner's wife is expecting the second one. The petitioner was arrested on 7.11.2016 in FIR No. 485 dated 7.11.2016 under Section 174-A IPC. He has been in custody in the present case since 23.11.2016. Thus, this petition deserves to be allowed.

Learned counsel for the State, on instructions from ASI Jagdish, Police Station Narnaund, Hisar, submits that the statement of the victim "Smt. Poonam" has been recorded under Section 164 Cr.P.C. on 8.11.2016 wherein she has stated that she is happily married with the petitioner since 2010. They have one child and she wants to reside with her husband.

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.

In view of the above but without commenting or expressing any opinion on the merits of the case, this petition filed by Mukesh is allowed. Petitioner shall be released on bail pending trial subject to his furnishing requisite bail bonds and surety bonds to the satisfaction of the Trial Court.

Any observations made here-in-above shall not be construed to be a reflection on merits of the case and shall have no bearing on trial.

(LISA GILL)

12.1.2017
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JUDGE

Note: Whether speaking/reasoned

Yes / No

Whether Reportable:

Yes / No