

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

**CRM-M-46094-2017
Date of decision: 08.12.2017**

Sanjay

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Keshav Pratap Singh, Advocate &
Mr. Jitesh Bhardwaj, Advocate
for the petitioner.

Mr. P. P. Chahar, DAG, Haryana.

JAISHREE THAKUR, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 121 dated 13.04.2017, under Sections 304-B, 328, 498-A and 34 of the IPC, registered at Police Station Barwala, District Hisar.

Counsel for the petitioner contends that the allegations in the FIR make a reference to both, the petitioner herein and his brother, taking the deceased from village Badhawar, Barwala, District Hisar to Shiv Nagar, 12 Qtr. Road, Hisar i.e. the residence of the complainant. It is argued that while deciding the bail application of the brother of the petitioner, the Court below came to the conclusion that the brother was not present at that time. It is also argued that similar allegations have been levelled against his brother who had been allowed regular bail and in the similar circumstances, regular bail should be granted to the petitioner as well. It is further contended that the deceased was earlier married in the year 2010 and without obtaining a

decree of divorce, a marriage was solemnized between the parties in the year 2014 and decree of divorce was only obtained in the year 2015. It is further contended that the charges have been framed and the petitioner is in custody since 16.04.2017.

Mr. P. P. Chahar, DAG, Haryana, has appeared on behalf of respondent-State and contested the bail application. He opposes the grant of regular bail in general, however, is not able to controvert the contention raised by the counsel for the petitioner.

I have heard learned counsel for the parties.

Since the petitioner is in custody since 16.04.2017 and the co-accused has already been granted regular bail by the Court below, the present petition is accepted. The petitioner is ordered to be released on regular bail on his furnishing bail bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

However, any opinion expressed herein is for the purpose of grant of regular bail and not an opinion on the merits of the case.

08.12.2017

Waseem Ansari

**(JAISHREE THAKUR)
JUDGE**

*Whether speaking/reasoned
Whether reportable*

*Yes/No
Yes/No*