

CRM-M-46689-2017

Date of decision: 22.12.2017

Sanjay Kumar

...Petitioner

Versus

U.T. of Chandigarh and another

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKURPresent:- Mr. Sandeep Gahlawat, Advocate
for the petitioner.

Mr. G.S. Chahal, APP, UT, Chandigarh.

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 Sessions case No. 187/2017, titled as 'Darshan Singh cs. Chhoti Devi and others', pending and fixed for 27.03.2018, in the Court of Ms. Poonak R. Joshi, Ld. ASJ, U.T., Chandigarh, arising out of criminal complaint No. 132/2015, dated 09.06.2015, titled as "Darshan Singh vs. Chhoti Devi and others", (Annexure P-1) filed by respondent No.2 for offences punishable under Sections 420, 494, 495, 376. 120-B IPC in which only the petitioner has been summoned to face trial for the offences punishable under Sections 376, 420, 494 and 495 IPC, vide order dated 04.09.2017 (Annexure P-2), vide order dated 04.09.2017 (Annexure P-2) passed by JMIC, Chandigarh.

case FIR No. 185 dated 12.04.2015, under Sections 420, 376, 120-B of the IPC, registered at Police Station Mani Majra, U.T., Chandigarh.

Learned counsel for the petitioner contends that the petitioner is in custody since 15.05.2017. It is contended that the complainant and his

family members were well aware of the fact that he was earlier married to one Suman. This factum of marriage was known to the complainant and his family members as would be evident from the statement of Inderpreet Singh brother of the deceased/son of the complainant in his statement under Section 175 Cr.P.C. wherein he has stated that before the marriage of Sanjay Kumar, i.e. the petitioner herein, with his sister, they were informed of the earlier marriage. It is contended that the investigation is complete and no custodial interrogation is required.

I have heard learned counsel for the parties.

In view of the above facts and circumstances, 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.

22.12.2017

Satyawan

**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes.
No.