

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

CRM-M-12467-2018 (O&M)

Date of decision: 27.03.2018

Dharmender & another

... Petitioners

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. Sanjay Vashisth, Advocate for the petitioners.

Mr. Amrik Narwal, DAG, Haryana.

...

TEJINDER SINGH DHINDSA, J. (ORAL).

The instant petition has been filed under Section 439 Cr.P.C. seeking concession of regular interim bail to the petitioners for a period of 10 days.

Present petitioners are accused in FIR No.110 dated 18.09.2017, under Sections 148/149/302/307/323/452/506 IPC and Sections 25/27/54/59 of the Arms Act, registered at Police Station Kheripul, District Faridabad and currently lodged in District Jail, Faridabad.

Prayer for interim bail is sought on the ground that father of the petitioners, namely, Nand Kishore expired on 19.03.2018 while under treatment at Safdarjang Hospital, New Delhi and the *uthala* ceremony is slated for 02.04.2018.

Notice was issued in the instant petition and in response thereto, a short reply of the Assistant Commissioner of Police, Ballabgarh, District Faridabad has been filed in Court today and the same is taken on record. A copy thereof has been furnished to counsel opposite.

Petitioners are in custody in a case where five lives were lost. Deceased Nand Kishore i.e. father of the petitioners was himself an accused.

Application for interim bail to attend the religious ceremonies on account of demise of Nand Kishore was filed before the trial Court on behalf of the present petitioners as also by Ombati wife of Nand Kishore and Mauji Ram i.e. father of Nand Kishore. Such application has been disposed of vide order dated 20.03.2018 (Annexure P-4) in terms of granting interim bail for a period of 15 days to Ombati as also Mauji Ram. Insofar as the present petitioners are concerned, they have been granted limited concession of being taken to attend the *uthala* ceremony on the date so fixed and in police custody.

Present petitioners are stated to be the only two sons of deceased Nand Kishore.

It is a sensitive matter inasmuch as the accused as well as the complainant party belong to the same village.

Be that as it may, the contention advanced by counsel representing the petitioners that police personnel have already been deployed in the village to ensure that no untoward incident happens has not been rebutted by learned State counsel and who is on instructions from SI Parkash Chand.

In view of the peculiar facts and circumstances noticed herein above, prayer made in the present petition is partly accepted.

Petitioners are directed to be released on interim bail for a period of three days commencing w.e.f. 01.04.2018. Petitioners would be released on interim bail subject to the satisfaction of the trial Court/Duty Magistrate concerned and upon imposition of stringent conditions.

Petitioners would surrender before the Jail Authorities, District Jail, Faridabad on 03.04.2018 at 5 P.M.

To such extent, the order dated 20.03.2018 passed by the learned Additional Sessions Judge, Faridabad would stand modified.

Directions are also issued to the Assistant Commissioner of Police, Ballabgarh, District Faridabad to ensure adequate deployment of police personnels and other measures to be taken as deemed fit to ensure that peace is not disturbed in the village on the dates on which the present petitioners have been granted interim bail.

Disposed of.

27.03.2018

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |