

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

CRM-M-1842-2018 (O&M)

Date of decision: 23.01.2018

Kamal Kishore & others

... Petitioners

Vs.

State of Haryana

... Respondent

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

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

Mr. Deepak Grewal, DAG, Haryana.

...

TEJINDER SINGH DHINDSA, J. (ORAL).

CRM-2335-2018:

For the reasons stated in the application, prayer is allowed.

The accompanying corrected/amended Memo of Parties is
taken on record.

Application is disposed of.

Main case:

Learned State counsel has furnished response by way of
affidavit of Inspector/SHO, Kheri Pul, Faridabad in Court today and the
same is taken on record. Copy has been furnished to counsel opposite.

Instant petition has been filed under Section 439 Cr.P.C.
seeking concession of interim bail to the petitioners for a period of 30 days
i.e. from 25.01.2018 to 24.02.2018 so as to enable the petitioners to
participate in the marriage of Deepika which is fixed for 05.02.2018.

Deepika is stated to be the daughter of petitioner No.1, grand
daughter of petitioner No.2 and real sister of petitioners No.3 and 4.

The present petition had come up for preliminary hearing on 18.01.2018 and at that stage, Mr. Sanjay Vashisth, learned counsel had limited the scope of the instant petition for grant of interim bail for two days i.e. 05/06.02.2018 and that too, in custody.

As per reply filed on behalf of the State, the factum of the marriage ceremony to be solemnized on 05.02.2018 at Deewan Palace near Main Palam Vihar Road, Bijwasan, New Delhi has been verified. Inquiries are stated to have been made even from the Incharge of the venue of the proposed marriage as also the caterers which have been engaged.

Counsel for the parties have been heard.

Petitioners herein are in custody being 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 Kheri Pul, District Faridabad.

It is a case where five lives were lost.

Petitioner No.1, namely, Kamal Kishore @ Lilu has been attributed a gun shot in the chest of Rajinder Parshad (deceased).

This Court has also perused the order dated 05.01.2018 passed by the learned Additional Sessions Judge, Faridabad declining interim bail to the petitioners herein. The reasoning adopted in the order placed on record at Annexure P-8 cannot be stated to be wholly irrelevant.

Be that as it may, petitioner No.2 i.e. grand father of Deepika is stated to be aged 80 years. Petitioners No.3 and 4 i.e. real brothers of Deepika have not been attributed specific injuries on the person of deceased which led to registration of FIR No.110 dated 18.09.2017.

Under such circumstances, this Court is inclined to accept the

limited prayer for grant of interim relief to petitioners No.2 to 4 for 05.02.2018 and 06.02.2018 so as to facilitate their participation in the marriage ceremony of Deepika to be held at Deewan Palace near Main Palam Vihar Road, Bijwasan, New Delhi in custody.

Ordered accordingly.

Prayer of petitioner No.1, Kamal Kishore is declined in the light of his alleged role leading to the registration of FIR No.110, dated 18.09.2017 as also against the backdrop that the occurrence had taken place recently and that the accused and complainant party being residents of the same very village.

Prayer for interim bail to petitioner No.1 stands declined.

Petition is disposed of in the aforesaid terms.

23.01.2018*harjeet***(TEJINDER SINGH DHINDSA)
JUDGE**

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