

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CRM-M No. 2197 of 2018
Date of decision : January 29, 2018

Mahale

..... **Petitioner**

Versus

State of Haryana

..... **Respondent**

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Jitender Nara, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG., Haryana.

ARVIND SINGH SANGWAN, J (oral).

Prayer in this petition is for grant of regular bail under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.) in FIR No. 868 dated 29.9.2017 for offences under Section 302/120-B/34 IPC & Section 25 of Arms Act registered at Police Station Jhajjar.

Counsel for the petitioner has submitted that there are no direct allegations against the petitioner and as per the allegations in the FIR, the petitioner and deceased Sonu had married to two sisters. The petitioner has married to co-accused Manisha @ Mohsheena whereas Sonu was married to Imrana. It is further alleged in the FIR that Sonu had strained relations with his wife Imrana and wife of the petitioner Manisha @ Mohsheena used to stand by her sister. On that account, co-accused Manisha @ Mohsheena called her brother Lukman and he committed murder of brother of the petitioner-Sonu.

Counsel for the petitioner has submitted that there are no direct

allegations against the petitioner, he is being involved in the FIR only under Section 120-B IPC. Co-accused Manisha @ Mohsheena is wife of the petitioner and challan has already been presented and conclusion of the trial will take long time and the petitioner is in judicial lock up since 1.10.2017.

Learned State counsel on instructions from ASI Naresh Kumar has not disputed the factual position but opposed the prayer for bail on the ground that the allegations in the FIR are regarding murder of one Sonu-brother of the petitioner.

Without commenting anything on merits of the case and considering the fact that allegations against the petitioner are only under Section 120-B IPC on account of being husband of co-accused-Manisha; and also the fact that challan has already been presented; and conclusion of trial is likely to take some time, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail/surety bond to the satisfaction of the trial court/Illaqa Magistrate. However, it will be open for the prosecution to apply for cancellation of bail, if the petitioners are found involved misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

January 29, 2018
archana

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No