

Criminal Misc. No. M- 45926 of 2017 (O&M)

Date of decision : March 08, 2018

Tarun Kumar

.....Petitioner

Versus

State of Haryana and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILLPresent: Mr. R.S. Budhwar, Advocate
for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

Mr. Rajender Kumar, Advocate for
Mr. Karan Singh, Advocate
for respondent No. 2.

LISA GILL, J.

Prayer in this petition is for grant of anticipatory bail to the petitioner in Complaint No. COMI/93/2016 dated 30.05.2016 under Sections 306, 506 IPC registered at Police Station Radaur, District Yamuna Nagar.

Contentions on behalf of the petitioner while affording interim relief read as under:-

“ It is submitted that the deceased was living separately from the petitioner since 16.04.2015. The unfortunate incident took place on 28.11.2015. The father and uncle of the deceased during the inquest proceedings did not raise any allegations against anyone. The petitioner undertakes to face the proceedings and to remain present on each and every date fixed before the learned trial Court. The matter is stated to be fixed before the learned trial Court for 23.01.2018.”

Learned counsel for the petitioner submits that pursuant to order dated 19.02.2017, the petitioner appeared before the learned Judicial Magistrate First Class, Yamunanagar at Jagadhri on 23.01.2018. On the

same day, the matter was committed to the Court of Sessions and charge has been framed against the petitioner on 16.02.2018. The petitioner, it is submitted, undertakes to face proceedings and appear on each and every date fixed before the learned trial Court. It is, thus, prayed that this petition be allowed.

Photocopy of order dated 23.01.2018 granting interim bail to the petitioner passed by learned Judicial Magistrate First Class, Yamunanagar at Jagadhri, certified copy of committal order dated 23.01.2018 as well as charge sheet dated 16.02.2018 produced in Court today are taken on record subject to just exceptions.

Learned counsel for the State and the complainant are unable to deny that the deceased was indeed living in her parental home at the time of an unfortunate incident. The petitioner has appeared before the learned trial Court and charge against him has been framed.

There are no allegations on behalf of the State that the petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts in the Court, if released on bail.

Keeping in view the peculiar facts and circumstances noted above but without expressing any opinion on the merits of case, it is considered just and expedient to allow this petition.

Consequently, interim bail afforded to the petitioner by the learned trial Court pursuant to order dated 19.12.2017 be made absolute subject to his furnishing fresh bail bonds and surety to the satisfaction of the learned trial Court.

(Lisa Gill)
Judge

March 08, 2018
rts

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No