

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

**Criminal Misc. No. M-49676 of 2018
Date of decision: 15.11.2018**

Mukh Ram @ Kalu

..Petitioner

Versus

Central Bureau of Investigation

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. J.S. Mehndiratta, Advocate
for the petitioner.

Mr. Sumeet Goel, Standing counsel
for the respondent-CBI.

Daya Chaudhary, J.

This petition has been filed by petitioner-Mukh Ram @ Kalu under Section 439 Cr.P.C. for grant of interim bail in case FIR No. 15 dated 12.01.2017 (now RC-5(S)/2018/SCB/CHG dated 18.10.2018, Police Station CBI, SCB, Chandigarh) registered under Section 302 read with Section 34 IPC and Section 25 of the Arms Act at Police Station Dabwali, District Sirsa for enabling him to attend the marriage ceremonies of his niece, which are scheduled to take place from 17.11.2018 to 19.11.2018.

The petitioner is accused in abovesaid FIR and is facing trial. Earlier the petitioner filed a petition for grant of regular bail before this Court, which is pending for hearing on 12.12.2018. The marriage of niece of the petitioner is scheduled to be performed on 19.11.2018 and functions will start from 17.11.2018. The interim bail has been sought to attend the marriage by way of filing the present petition.

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Learned counsel for the petitioner submits that there is joint family and niece of the petitioner, namely, Bimla, is the eldest child in the family. She has been brought up by the petitioner as his own daughter and the presence of the petitioner is necessary not only to perform certain ceremonies but to make arrangements also and to help his brother in attending the relatives and other guests. Learned counsel further submits that an application was moved for grant of regular bail before the Sessions Judge, Sirsa but it was observed in order dated 01.11.2018 that the bail application has become infructuous as the case has been assigned to Special Court at Panchkula. Thereafter, another application was moved before the Special Judge, CBI, Haryana at Panchkula, which has also been dismissed vide order dated 06.11.2018 on the ground that the petitioner is involved in a case of murder of two persons. It has also been observed that the marriage is of the niece of the petitioner and not of his own daughter or son. Learned counsel also submits that the CBI Court has not considered the facts mentioned in the application. No specific role has been attributed to him. The only evidence against the petitioner is extra judicial confession suffered by him before the Ex-Sarpanch- Krishan Lal. The petitioner is ready to abide by all terms and conditions to be imposed by this Court or by the jail authorities.

Mr. Sumeet Goel, Standing counsel for CBI has verified the factum of marriage of niece of the petitioner but has opposed the submissions made by learned counsel for the petitioner on the ground that the presence of petitioner is not required being the marriage of his niece.

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Heard arguments of learned counsel for the petitioner as well as learned counsel for CBI.

The facts of the case are not disputed.

Keeping in view the submissions made by learned counsel for the petitioner that it is a joint family; the presence of the petitioner being uncle is required to make certain arrangements of the marriage of his niece (daughter of his brother); in joint family, many things are to be managed/arranged by all male members, the present petition is allowed and the petitioner (Mukh Ram @ Kalu) be taken in Police custody to attend the marriage of his niece, which is scheduled to be performed on 19.11.2018.

Superintendent, District Jail, Sirsa is directed to make necessary arrangements for attending the marriage by the petitioner on 19.11.2018.

15.11.2018
neetu

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

No