

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-54108-2018 (O&M)

Date of decision:07.12.2018

Shiv Lal Doda @ Sholly

.....Petitioner

versus

State of Punjab

....Respondents

CORAM: Hon'ble Mr. Justice Kuldeep Singh

Present: Mr. Gautam Dutt, Advocate
for the petitioner.

Mr. Karanbir Singh, AAG, Punjab.

Kuldeep Singh, J. (Oral)

Petitioner-Shiv Lal Doda @ Sholly, who is in custody in FIR No.120 dated 12.12.2015 under Sections 302, 307, 326, 323, 148 & 149 IPC read with Sections 201, 115 & 120-B of Indian Penal Code and Section 3(2) V of Schedule Castes & Scheduled Tribes Act (added later on), seeks interim bail for two weeks to attend the marriage of his niece that is to be held on 13.12.2018 as per the invitation card.

Reply by way of affidavit of Manjit Singh, PPS Deputy Superintendent of Police(Rural) Abohar, District Fazilka on behalf of the respondent-State has been filed in Court today is taken on record.

Learned State counsel opposed the prayer of the petitioner on the ground that the petitioner is involved in heinous crime. State has verified about the marriage and found that the marriage is fixed for 13.12.2018 at Pearl Ballroom, Radisson Blue Hotel, Paschim Vihar, New Delhi and the marriage

functions will start from 09.12.2018.

I have heard learned counsel for the parties and carefully gone through the file.

Learned counsel for the petitioner states father of his niece i.e. brother of the petitioner, is no more, therefore, the petitioner has to look after all the arrangements. It is further contended that his co-accused namely Amit Doda-first cousin of the bride-Chinkal, has already been released on interim bail by this Court vide order dated 28.11.2018. From the marriage card, it comes out that Engagement & Sagan Ceremony is to take place on 09.12.2018 at 7.00PM at Sunder Mahal II, City Park Hotel, Pitampura, New Delhi; Sangeet Ceremony is to take place on 10.12.2018 at 8.00PM at Second Floor, Cherish Banquet Hall, Wazirpur Ring Road, New Delhi; Mehndi ceremony is to take place at 11.00 AM at Chelmiford Club I, Raising Road, Sansad Marg Area, New Delhi. The crime was committed in the area of Police Station Bahav Wala, District Fazilka. The functions are to take place in New Delhi.

In the circumstances, there is unlikely to be any problem where the crime was actually committed. Considering that the previous petition for regular bail has been dismissed by the Apex Court vide order dated 24.09.2018 (Annexure P-2) and the State had apprehension that the petitioner may abscond if he is released on interim bail, petitioner is permitted to attend two functions in the police custody i.e. Engagement and Sagan Ceremony fixed for 09.12.2018 at 7.00 PM at Sunder Mahal II, City Park Hotel, Pitampura, New Delhi and marriage function fixed for 13.12.2018 at 6.00PM at Pearl Ballroom Radisson Blu Hotel Paschim Vihar, New Delhi.

As such the petition is partly allowed to the extent that it is ordered as under:-

The petitioner shall be taken to Sunder Mahal II, City Park Hotel, Pitampura, New Delhi on 09.12.2018 under proper tight security so as to reach their around 2.00 PM to enable him to look after the arrangements and attend the Engagement and Sagan Ceremony of her niece. After 10.00 PM he will be taken back and kept at appropriate place in custody and thereafter can be taken back. However, if there is some difficulty, he can be taken to the nearest Police Station for night stay. The petitioner will again be taken back to New Delhi to attend the marriage function on 13.12.2018 so as to reach their around 2.00 PM and stay their till end of the rituals and thereafter, brought back to the prison. However, if there is some difficulty in night travelling or early morning travelling, the petitioner can be kept in nearby Police Station and thereafter, taken back to the District Jail, where he is presently confined. Further, the petitioner shall bear the conveyance expenses for the purpose of taking him on two occasions in New Delhi.

Accordingly, the present petition is partly allowed.

Copy of the order be given to counsel for the petitioner under signature of the Bench Secretary.

(KULDIP SINGH)
JUDGE

07.12.2018
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Whether speaking/ reasoned:	Yes
Whether Reportable:	No