

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

CRM-M No. 5583 of 2019

Date of decision : 07.02.2019

Vinod Kumar

.....Petitioner

Versus

State of Haryana

...Respondent

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present : Mr. Ravinder Bangar, Advocate for the petitioner.

Mr. R. S. Doon, AAG, Haryana.

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DAYA CHAUDHARY, J. (Oral)

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of interim bail to the petitioner in case FIR No. 0200 dated 29.04.2017 under Sections 148/149/325/302/120-B of the Indian Penal Code, 1860, registered at Police Station – Dharuhera, Distt. Rewari, to attend the marriage of his sister namely Mamta, which is scheduled for 09.02.2019.

Learned counsel for the petitioner submits that presence of the petitioner is necessary at the time of marriage of his sister as he has to perform certain ceremonies on 08.02.2019 and 09.02.2019. Petitioner is in custody since 02.05.2017.

Notice in the petition was issued.

Learned State counsel has verified the factum of marriage. However, he submits that one more brother as well as mother of the petitioner are there and presence of the petitioner is not required as the

ceremonies can be performed by the other brother. He submits that the offence is serious as it is a case under Section 302 IPC.

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

By considering the submissions made by learned counsel for the petitioner and also the fact that father of the petitioner has already expired and presence of the petitioner is necessary at the time of marriage of his sister, which is scheduled for 09.02.2019, I am of the view that not only the presence of the petitioner on the date of marriage is necessary but being the brother, certain arrangements are to be made even on the date of marriage.

Accordingly, the present petition is allowed and the petitioner is allowed to attend marriage ceremony of his sister while in police custody. The concerned Jail Superintendent is directed to make the necessary arrangements for attending the marriage ceremony by the petitioner in police custody on 09.02.2019 as well as in the night, if marriage function is in the evening.

Copy of this order be supplied to learned counsel for the petitioner under signature of Bench Secretary of this Court.

07.02.2019

sunil yadav

**(DAYA CHAUDHARY)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No