

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

266

CRM-M-21293-2019 (O&M)

Date of Decision:14.5.2019

JAGDISH @ JAGGA

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr.Aakash Dalal, Advocate
for the petitioner.

Mr.R.T.Redhu, DAG, Haryana.

RAJ MOHAN SINGH, J.(Oral)

Petitioner has already unsuccessfully on attempted five occasions for grant of regular bail. This time he seeks grant of interim bail for attending and performing *Bhat ceremony* being 'mama' in the marriage of his niece and nephew to be solemnized on 17th and 18th May, 2019.

Petitioner is accused in FIR No.140 dated 3.5.2014 registered under Sections 302/120-B/34 IPC and Sections 25/54/59 of the Arms Act at Police Station City Kanina District Mohindergarh.

Earlier petitions i.e. CRM-M No. 43345 of 2016 and CRM-M No.22223 of 2017 were dismissed on merits on 22.2.2017 and 31.7.2017 respectively. Thereafter, some other

petitions filed by the petitioner were withdrawn.

As per prosecution case, allegations against the petitioner are that he along with co-accused picked up an earthen pitcher and hit the same on the head of Des Raj @ Ravan. The accused, thereafter, inflicted more injuries with rods and sticks on the head of Des Raj @ Ravan, who died on account of the injuries. Co-accused, namely, Manjeet and Pawan have already been convicted and sentenced to life imprisonment. Other co-accused, namely, Rajesh, Ashok and Sonbir have also been convicted and sentenced to undergo rigorous imprisonment for 4 years along with fine of Rs.5,000/- each.

CRR No.1430 of 2016 titled Kuldeep Singh vs. State of Haryana is pending consideration in the High Court against the order dated 30.1.2016 passed in the application under Section 319 Cr.P.C. Petitioner was declared as proclaimed offender. He remained at large for some time and his presence was only secured by way of arrest and since then he is in custody.

Notice of this petition was issued on 10.5.2019. In pursuance thereof, learned State counsel has informed the Court that the petitioner is the main accused. He remained proclaimed offender for some time and did not surrender. Two

of his co-accused have already been convicted and sentenced to life imprisonment and the others have been convicted and sentenced to undergo rigorous imprisonment for 4 years along with fine. There is every likelihood that he may flee from custody and even his presence in the marriage would not be in the interest of the family.

Petitioner is the only male member in the family, who will perform some customary rituals being *Mama* of Vikas and Geeta (nephew and niece), whose marriages are fixed for 17th and 18th May, 2019. Though the petitioner was declared as proclaimed offender and his presence was secured only by means of coercive method, but keeping in view the petitioner being the only male member in the family and his son is small enough to perform *Bhat ceremony*, I deem it appropriate to allow the petitioner to visit the place of marriage in police custody. The police would ensure that the accused may return to the jail premises after attending the ceremony on 17.5.2019 itself in the evening by 6.00 PM. Petitioner would be sent to the place of marriage on 17.5.2019 in police custody escorted by requisite number of police people. The Superintendent Jail, District Rohtak shall depute number of police people, who will escort the petitioner to the place of marriage on 17.5.2019 at 10.00 AM and after attending the ceremony the police shall

bring the petitioner back to the jail premises by 6.00 PM on 17.5.2019 itself.

Petition stands disposed of accordingly.

May 14, 2019
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(RAJ MOHAN SINGH)
JUDGE

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No