

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

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**CRM-M-29040-2020
Date of Decision : 07.10.2020**

Pardeep Kumar @ DeepaPetitioner
Versus

State of PunjabRespondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Amit Dhawan, Advocate
for the petitioner.

Mr. Amit Mehta, Sr. DAG, Punjab
for the respondent-State.

Mr. Navkiran, Advocate
for the complainant.

JUSTICE ARUN KUMAR TYAGI, J.

(The case has been taken up for hearing through video conferencing.)

The petitioner has filed the present (second) petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of interim bail for a period of one month in case FIR No.306 dated 28.11.2018 registered under Sections 452, 323, 324, 326, 307, 342 and 120-B of the Indian Penal Code, 1860 and Sections 25 and 27 of the Arms Act, 1959 in Police Station Division No.6, Jalandhar.

His first petition for grant of regular bail bearing No.CRM-M-20732-2020 was dismissed as withdrawn vide order dated 11.08.2020 passed by this Court.

Briefly stated the petition has been filed on the grounds that the petitioner has been falsely implicated in the case and has not committed any offence. Father of the petitioner had died on 09.10.2007.

The petitioner is having old and ailing mother namely Bimla Rani, one elder brother namely Prabhakar and one younger brother namely Pawan Kumar. Marriage of elder brother of the petitioner-Prabhakar is scheduled for 23.10.2020. Presence of the petitioner is essential for making arrangements of the marriage of his elder brother of the petitioner-Prabhakar.

The petition has been opposed by learned State Counsel in terms of reply filed by way of affidavit of Sh. Harinder Singh, PPS, Assistant Commissioner of Police, Model Town, Jalandhar through e-mail print out of which is taken on record.

I have heard learned Counsel for the petitioner, learned State Counsel and learned Counsel for the complainant and have gone through the relevant record.

Learned Counsel for the petitioner has argued that the petitioner has been falsely implicated in the present case. Marriage of the elder brother of the petitioner namely Prabhakar is fixed for 23.10.2020. Father of the petitioner had died on 09.10.2007 and his mother is an old lady. The presence of the petitioner is essential for making all the arrangements of marriage of his elder brother-Prabhakar. Therefore, the petitioner may be granted interim bail for one month.

On the other hand, learned State Counsel and learned Counsel for the complainant have submitted that marriage of Prabhakar, elder brother of the petitioner, is scheduled for 23.10.2020 but Prabhakar is absconding in case FIR No.279 dated 03.09.2020 registered under Sections 323, 324, 341 and 326 read with Section 34 of the IPC in Police Station Basti Bawa Khel, Jalandhar. His younger

brother-Pawan Kumar is absconding in case FIR No.22 of 2014 registered under Sections 323, 324, 341, 148 and 149 of the IPC in Police Station Basti Bawa Khel, Jalandhar. The petitioner is involved in two more cases which are pending in trial Courts. If interim bail is granted to the petitioner, there will be danger to the life of the complainant and there is every likelihood that the petitioner will abscond and will not appear in the cases to face trial. Therefore, the petition for grant of interim bail may be dismissed.

In view of the facts and circumstances of the case particularly the fact that Prabhakar, elder brother of the petitioner, whose marriage is stated to be fixed for 23.10.2020 is absconding and also likelihood of the petitioner absconding, I am of the considered view that the petitioner does not deserve the grant of interim bail.

Accordingly, the present petition for grant of interim bail to the petitioner for one month is dismissed.

07.10.2020

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(ARUN KUMAR TYAGI)
JUDGE

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