

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

CRM-M-37421-2020

Date of decision:-18.11.2020

Pawan

...Petitioner

Versus

State of Haryana

...Respondent

CORAM : HON'BLE MR. JUSTICE H.S. MADAAN

Present : Mr.Nikhil K. Chopra, Advocate
for the petitioner.

H.S. MADAAN, J.(ORAL)

Case taken up through video conferencing.

Pawan, an accused in FIR No.1082 dated 18.10.2016 for the offences under Sections 148, 149, 302, 307, 120-B IPC and Section 25 of Arms Act, registered with Police Station City, Gurugram, District Gurugram had moved an application for interim bail before learned Additional Sessions Judge, Gurugram praying that on account of marriage of his sister fixed for 25.11.2020, he be granted such concession for one week. That application was disposed of by learned Additional Sessions Judge, Gurugram observing that since petitioner/accused has been arrested on account of his involvement in murder of Manish and as per version of the prosecution, he is member of

Sandeep Gadoli Gang, the interim bail cannot be granted to him in light of the apprehension expressed by the Public Prosecutor that he may influence the prosecution witnesses. However, learned Additional Sessions Judge, Gurugram issued direction to Superintendent, District Jail, Bhondsi to make appropriate arrangement to take the petitioner/accused in police custody so as to enable him for his appearance at his given address in the application from 9:00 a.m. to 9:00 p.m. on 25.11.2020 and thereafter to lodge him back in the jail. The application was finally disposed of vide order dated 19.10.2020.

However, this order left the petitioner/accused aggrieved and he has approached this Court seeking similar relief.

Notice of motion.

Mr. Tanuj Sharma, AAG, Haryana, accepts notice on behalf of State and opposes the petition.

I have heard learned counsel for the petitioner and learned State counsel besides going through the case file.

Learned counsel for the petitioner has stated that he would be satisfied if the present petition is disposed of directing Superintendent, District Jail, Bhondsi to take the petitioner/accused in custody to village Dhigal, District Jhajjar on 24.11.2020 also to enable him to oversee the arrangements for the marriage of his sister – Aarti fixed for 25.11.2020.

Learned State counsel submits that this Court may consider and dispose of such request of learned counsel for the petitioner as per law.

I find that no ground is made out to grant interim bail to the

petitioner for a period of 2-3 weeks as prayed for in the present petition. However, this petition is disposed of directing Superintendent, District Jail, Bhondsi to take the petitioner/accused in custody to village Dhigal, District Jhajjar on 24.11.2020 at 9:00 a.m. also and allow him to remain there till evening hours. Thereafter, he is to be brought back from the said place and lodge either in District Jail, Gurugram or in some nearest jail or lock up of nearest police station since he is required to be taken to venue of marriage on 25.11.2020 also.

With such modification, the order passed by learned Additional Sessions Judge, Gurugram is affirmed. It is clarified that petitioner would bear all the expenses of transportation from District Jail, Bhondsi upto the place of venue and back to the jail. The Superintendent of Police, concerned shall make adequate security arrangements to ensure that petitioner does not try to escape and no physical harm is caused to him by any other person.

(H.S.MADAAN)
JUDGE

18.11.2020

Brij

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No