

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(Through video conferencing)**

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**CRM-M-40089-2021(O&M)
Decided on : 04.10.2021**

SUNIL@CHHOTU

....Petitioner(s)

Versus

STATE OF HARYANA

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Mr.Sanjay Vashisht & Mr. Akash Vashisht, Advocates
for the petitioner.

Mr. Zorawar Singh Chauhan, DAG Haryana.

MANJARI NEHRU KAUL, J. (Oral)

This is the 6th petition filed under Section 439 CrPC for grant of regular bail to the petitioner in case FIR No.309 dated 06.12.2016 under Sections 147, 148, 149, 302, 323, 324, 365 of the IPC (charged under Sections 302, 323, 324, 365 and 34 IPC and Section 25 of the Arms Act) registered at Police Station Bawani Khera, District Bhiwani.

At the outset, learned counsel for the petitioner has restricted his prayer for grant of interim bail to the petitioner for two weeks i.e., from 01.10.2021 to 14.10.2021, as his marriage is due to be solemnized on 08.10.2021 at Village Rampura (Balliyali) Tehsil Bawani Khera (Bhiwani).

The petitioner is facing trial in the aforementioned FIR along with other persons for the murder of Mahesh on 05.12.2016. The petitioner was alleged to be armed with a knife at the time of the occurrence in question. Still further, allegedly he caught hold of the hand of the deceased

at the time of alleged occurrence. It has also been alleged that after the deceased had been inflicted fatal blows, the petitioner along with co-accused tried to burn the body of the deceased after taking out petrol from a motorcycle.

In compliance of order dated 28.09.2021, reply by way of an affidavit has been filed by the State. Same is taken on record, subject to all just exceptions. Office to tag the same at appropriate place.

Learned State counsel, while inviting the attention of this Court to the reply filed by the respondent-State has submitted that the marriage of the petitioner is indeed fixed for 08.10.2021. In support thereof, statement of Ms. Kusum Lata, Sarpanch of Village Rampura (Bhiwani) has also been annexed as Annexure R-1/T with the reply, wherein, the factum of the proposed marriage of the petitioner stands verified. Learned State counsel has however opposed the grant of interim bail for 02 weeks to the petitioner for solemnizing his marriage in the wake of the serious allegations levelled against him in the FIR in question. Learned State counsel while drawing the attention of this Court to the reply filed today has submitted that since the material witnesses are yet to be examined, the petitioner may not be extended the concession of interim bail, as there is every likelihood that he could tamper with evidence and also abscond. Besides this, it has also been alleged that the petitioner is a man of criminal antecedents, inasmuch as, he is involved in another criminal case bearing FIR No.21 dated 08.01.2019 under Sections 147, 148, 149, 323 and 506 of the IPC, registered at Police Station Sadar Bhiwani, which is pending adjudication.

I have heard the learned counsel for the parties as well as perused the material on record.

The prayer of the petitioner for grant of interim bail for a period of 02 weeks is declined. However, he would be taken under Police custody to the venue of his marriage i.e., Village Rampura (Balliyali) Tehsil Bawani Khera (Bhiwani) on 08.10.2021 at 08:00 AM. He would be escorted back by the Police to the District Jail, Bhiwani on 08.10.2021 itself by 06:00 PM after solemnization of his marriage. The Superintendent, District Jail Bhiwani shall depute adequate number of Police personnel to take the petitioner to the venue of his marriage. All the expenses incurred in this regard would be borne by the petitioner.

Petition stands disposed of accordingly.

(MANJARI NEHRU KAUL)
JUDGE

October 04, 2021

S.Sharma(syr)

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*