

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

CRM-M-9232-2024

Date of Decision: 26.02.2024

Mohammad Amin @ Amin

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present: Mr. P.S Jammu, Advocate
for the petitioner.

Mr. I.P.S Sabharwal, DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 439 Cr.P.C with a prayer to grant the concession of interim bail to petitioner in case FIR No.70 dated 05.06.2022 under Sections 457,382,427,342, 34 of IPC (201,411 of IPC added later on) and under Sections 25,27 of the Arms Act, registered at Police Station Khuian Sarwar, District Fazilka, Punjab, to attend the marriage of Nazima Bibi, sister of the petitioner.

2. Learned counsel for the petitioner contends that the petitioner has been falsely involved in the present case and was arrested on 09.02.2023. Learned counsel further contends that the marriage of real sister of the petitioner namely Nazima Bibi is fixed on 28/29 February,2024 and Valeema ceremony is fixed on 02.03.2024. Learned counsel has also placed reliance on the Marriage Invitation Card which is annexed as Annexure P-5 in this regard. Learned counsel further submits that the petitioner is elder brother of the bride

and his presence is required to perform certain religious ceremonies in the marriage of his sister.

3. A status report by way of an affidavit of Deputy Superintendent of Police, Sub Division Abohar, District Fazilka has been filed on behalf of respondent-State and the same is taken on record.

4. Learned State counsel submits that the local police has verified the facts and during the enquiry it has been found that the marriage of Nazima Bibi, sister of the petitioner is to be solemnized with Sadaam Hussain son of Janaab Khushi Mohammad, resident of Masaani, Hanumangarh. Learned State counsel further submits that the different ceremonies will be held from 28.02.2024 to 02.03.2024, however, learned State counsel submits that apart from the present case, the petitioner is also involved in six other criminal cases and is a habitual offender. Learned State counsel further submits that if the petitioner is granted the concession of interim bail, he may abscond from the process of law and petition is liable to be dismissed by this Court.

5. I have heard the learned counsel for the parties and perused the record carefully.

6. It is not in dispute that the ceremonies pertaining to the marriage of Nazima Bibi, sister of the petitioner are scheduled to be held on 28/29 February 2024 and the Valeema ceremony is fixed on 02.03.2024. Consequently, it is apparent that the presence of the petitioner, who is elder brother of the bride, may be required during various ceremonies.

7. Consequently, the present petition is allowed and the petitioner is ordered to be released on interim bail at 10:00 AM on 28.02.2024 subject to his furnishing necessary surety bonds/bail bonds to the satisfaction of the

concerned Trial Court/Duty Magistrate/CJM. The concerned Court may insist on three heavy sureties, keeping in view the fact that the petitioner is involved in six other criminal cases.

8. The petitioner is directed to surrender at 10: 00 AM on 04.03.2024 at the jail gate. Disposed off.

26.02.2024
hitesh

(N.S.SHEKHAWAT)
JUDGE

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