

(2011) 04 P&H CK 0334

High Court Of Punjab And Haryana At Chandigarh

Case No: Criminal M. No. 12836 of 2011 (O and M)

Ravinder

APPELLANT

Vs

State of Haryana

RESPONDENT

Date of Decision: April 29, 2011

Acts Referred:

- Criminal Procedure Code, 1973 (CrPC) - Section 439, 482
- Penal Code, 1860 (IPC) - Section 148, 149, 302, 323, 364

Hon'ble Judges: Ram Chand Gupta, J

Bench: Single Bench

Judgement

Ram Chand Gupta, J.

The present petition has been filed u/s 439 read with Section 482 of the Code of Criminal Procedure for releasing the Petitioner on interim bail for 15 days to attend the marriage ceremony of his niece (Bhanji), Minaxi, daughter of Smt. Suresh Devi.

2. Notice of motion.

3. On the direction of the Court, Mr. Inderesh Goel, Additional Advocate General, Haryana, who is present in Court, accepts notice on behalf of the Respondent-State.

4. Learned Counsel for the Petitioner is directed to supply copy of the paper book to learned State counsel during the course of the day.

5. I have heard learned Counsel for the parties and have gone through the whole record carefully.

6. Petitioner-accused is facing trial in FIR No. 6 dated 12.1.2010, under Sections 148, 149, 323, 364, 302 IPC, registered at Police Station Sahlawas, District Jhajjar, Haryana. Allegations against him are serious in nature. He is the main accused. He allegedly caused iron rod blow on the head of the deceased. Thereafter he alongwith co-accused kidnapped the deceased and had taken him to his house and the deceased was recovered from his house in an injured condition and, however,

later on he succumbed to the injuries. His application for regular bail has already been dismissed by learned trial Court as well as by this Court.

7. Hence, in view of these serious allegations, Petitioner-accused is not entitled for interim bail, as he is the main accused and main witnesses are yet to be examined.

8. However, it has been contended by learned Counsel for the Petitioner-accused that Petitioner-accused may be directed to be taken in custody on the date of marriage so that he may perform the necessary marriage ceremonies being maternal uncle of the girl, as there is no other body to perform the said ceremonies.

9. In view of these facts, Respondent-State is directed to make requisite arrangements for taking the Petitioner-accused in custody at the place of marriage of his niece on 1.5.2011, so that he may perform the requisite ceremonies.

10. Disposed of accordingly.

11. Copy of the order be given dasti under the signatures of the Reader of the Court to learned Counsel for the parties.