

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Criminal Misc. No.M-43532 of 2016
Date of Decision: 21.12.2016

Rekha

...Petitioner(s)

Versus

State of Chandigarh

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Suresh Pal, Advocate
for the petitioner.

Mr. Gautam Dutt, APP, Chandigarh.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner in case FIR No.132 dated 1.7.2016 under Sections 323, 307, 302, 34 IPC registered at Police Station Sector 36, Chandigarh.

Learned counsel for the petitioner has argued that the role attributed to the petitioner is that she has caught hold of the hand of Rahul, the injured. Even the injury caused to Rahul is on the non-vital part of his body, as the knife injury was given on the right hand of Rahul. He further submits that the petitioner is in custody since 1.7.2016 and considering the fact that trial in the case will take long time, she be released on bail.

Learned State counsel, on instructions from ASI Manjit Singh, does not dispute the custody of the petitioner, however, he submits that the petitioner was one of the participants in the crime and therefore, she is not entitled for bail.

I have heard learned counsel for the parties.

Admittedly, the role attributed to the petitioner is that she has caught hold of Rahul, the injured and even the injury caused to him is on the non-vital part of the body. The petitioner is in custody since 1.7.2016 and only one prosecution witness has been examined so far. Since trial in the case will take long time, this Court is of the opinion that the petitioner deserves to be admitted on bail.

Accordingly, without advertng to merits of the case, the present petition is allowed and the petitioner is admitted on regular bail during the pendency of the trial, subject to furnishing of his bail bonds/surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Chandigarh.

It is made clear that observations made hereinabove shall not be construed as any expression on the merits of the case.

December 21, 2016
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No