

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-16058 of 2017
Date of Decision: 12.05.2017

Kishori

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Sanjay Vashisth, Advocate
for the petitioner.

Mr. Anil Kumar Lamdharia, Advocate
for the complainant.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.743 dated 16.10.2016 registered for offences punishable under Sections 302, 506 read with Section 34 of Indian Penal Code (for short, "IPC") at Police Station Sadar Palwal, District Palwal. (Charged under Section 302 read with Section 34 IPC only).

Heard.

Notice of motion.

On asking of the court, Ms. Harpreet Kaur, AAG, Haryana, who is present in the Court accepts notice and submits that intimation by Registry informing of fixation of the petition has already been received and record of the case is available with her.

As per prosecution version, occurrence took place on 16.10.2016 when complainant, her husband and son were working in fields and a dispute arose. As per allegations of complainant, petitioner and his

son Bhupender started teasing her and when her husband intervened, Bhupender son of petitioner-Kishori gave a blow with handle of tractor in chest of the husband of complainant. The petitioner has been attributed fists and slaps to complainant.

Husband of complainant died because of injuries suffered by him due to handle blow. In FIR no injury to husband of complainant has been attributed to petitioner, who has been arrested in this case on 18.10.2016. After investigation the police has presented challan in Court.

In view of above but without expressing any opinion on merits of the case and keeping in view the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Kishori is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- (c) He shall not leave the country without the previous permission of the Court.

May 12, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No