

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-28578 of 2018
Date of Decision: 29.08.2018

Davindra Thakur @ Indu

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Vivek Lamba, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

Mr. Nimanyu Gautam, 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.119 dated 24.05.2018 registered for offences punishable under Sections 307/506 of Indian Penal Code (for short, "IPC") at Police Station Division No. 7, District Police Commissionerate, Jalandhar.

Heard.

As per case of prosecution, on 23.05.2018, petitioner with knife caused injuries on abdomen and other parts of body of her husband, namely, Gangadeep. One of the injury in the abdomen was declared dangerous to life.

Learned counsel for the petitioner submits that entire story has been propounded by complainant and her son Gagandeep just to get rid of petitioner with whom Gagandeep had been living for the last 7-8 years. He

has referred to CRM-M-12642-2018 filed by injured-Gagandeep with one

Rupinder Kaur, presenting her as his wife, seeking protection to life and liberty, which was disposed of on 23.03.2018 i.e. two months before the alleged incident. In this case the police has completed the investigation and presented the challan.

Learned State counsel submits that injuries on the person of Gagandeep were quite serious in nature. Injury no. 1 was on abdomen and it was a stab wound 2.5 cms. long with omentum coming out of it. It was declared dangerous to life. The police after completion of investigation has presented the challan and charges are yet to be framed against the petitioner.

Learned counsel for complainant submits that petitioner, who is in jail, is still threatening to murder Gagandeep and he has made complaint to this effect to the police. He further submits that in the event of petitioner being released her husband may have life threat from her.

Admittedly, the petitioner and Gagandeep had been living together as husband and wife for the last 7-8 years. Gagandeep had also filed petition (CRM-M-12642-2018) with one Rupinder Kaur showing her as his wife, seeking protection to their life and liberty. In that petition he had made father and brother of Rupinder Kaur as party but petitioner was not impleaded.

Keeping in view the fact that investigation in this case is complete, challan has been filed and conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Davindra Thakur @ Indu 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 her 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 her bail bond and surety bond and proceed to procure her presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- (c) She shall not leave the country without the previous permission of the Court.

August 29, 2018
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No