

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

CRM-M-17010-2019
Date of decision: 28.05.2019

Amit Sharma

...Petitioner

Versus

State of U.T., Chandigarh

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Vimal Kumar Gupta, Advocate
for the petitioner.

Mr. Manish Jain, Addl. P. P., U.T., Chandigarh.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 257 dated 05.09.2018, registered under Section 307 IPC at Police Station Sector 19, Chandigarh.

Learned counsel for the petitioners submits that as per the statement of complainant Vikram Narula, the petitioner has caused injury on the neck of her mother Shanti Devi with the help of Cutter and when she tried to save her, she also suffered injury on her hand.

Learned counsel for the petitioner further submits that complainant, his mother/victim as well as the doctor have already appeared as PW-1 to PW-3 before the trial Court and made their statements, therefore, there is no likelihood for the petitioner to tamper with the prosecution evidence as the material witnesses already stand examined.

Learned counsel for the petitioner further submits that it will be a debatable issue during the course of trial whether in the FIR or in the

statement of the complainant or the victim, any motive is attributed towards the petitioner to commit the said offence.

Learned counsel for the petitioner further submits that the petitioner is handicap of one hand and presently he is admitted in GMCH, Sector 32, Chandigarh since 19.05.2019, where he has been operated upon his leg. It is further submitted that petitioner is in judicial custody since 07.09.2018 and the conclusion of the trial is likely to take some time.

Learned counsel, appearing for U.T., Chandigarh, has placed on record custody certificate dated 23.04.2019, according to which, the petitioner is in judicial custody for the last more than eight months and he is not involved in any other case.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that the petitioner is in judicial custody for the last more than eight months; he is not involved in any other case and conclusion of the trial is likely to take some time, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

28.05.2019

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No