

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-17770 of 2019
Date of Decision: 05.09.2019

Gagan Chopra

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Pritpal Singh Miglani, Advocate
for the petitioner.

Mr. Avtar Singh Sandhu, Addl. A.G. Punjab.

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 12.10.2018 registered for offences punishable under Sections 341 and 326-A of Indian Penal Code (for short, "IPC") at Police Station Rahon, District Shaheed Bhagat Singh Nagar.

Heard.

As per case of prosecution, petitioner threw some liquid type chemical on complainant, who felt burns on right side of her abdomen and raised *raula* at which petitioner ran away from the spot.

Learned counsel for petitioner submits that as per report of Forensic Science Laboratory, no acid substance was found on the clothes of complainant. The doctor has also been examined in this case, who has deposed that no acid was found on the clothes of complainant. The board of doctors has also given opinion that on physical examination of complainant, no burns due to acid were found.

Learned State counsel submits that a board of doctors had examined complainant and given the opinion that on physical examination healed burns scar marks were found on right side of abdomen of complainant and this injury may be due to some chemical (weak acid or weak alkali) or boiling water.

The petitioner was arrested in this case on 15.02.2019. Statements of complainant and doctor have been recorded. It is for the trial Court to look into as to whether scar marks on the person of complainant were due to injury caused by acid or for some other reason?

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-Gagan Chopra 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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.

September 05, 2019
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No