

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-26873 of 2019
Date of Decision: 03.07.2019

Phoolmati

....Petitioner

VERSUS

State of U.T. Chandigarh

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Dalip K. Kataria, Advocate
for the petitioner.

Mr. Sukant Gupta, Addl. P.P., UT Chandigarh.

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.86 dated 12.04.2019 registered for offences punishable under Sections 323 and 315 of Indian Penal Code (for short, "IPC") at Police Station Sector 36, Chandigarh.

Heard.

As per case of prosecution, occurrence took place on 10.04.2019 at about 07.00 a.m., when petitioner and her daughter abused the complainant and caught her from her hairs. Despite disclosing about her pregnancy both gave kick blows in her abdomen proclaiming that they will not allow the child to be born. Having acute pain, complainant called the police by dialing number 100. The police took her to GMSH, Sector 16, Chandigarh for treatment. Due to kick blows given to complainant, the child was aborted.

Learned Addl. P.P., UT Chandigarh submits that the police has

presented challan against the petitioner on 10.06.2019 as her daughter was found innocent.

Learned counsel for the petitioner submits that false allegations were levelled against the petitioner and later on a compromise took place between the parties, which was signed by husband of the petitioner, copy of which has been placed on file as Annexure P-3. The petitioner was arrested in this case on 12.04.2019 and is in custody since then. Challan has been presented and all the allegations levelled in the FIR have not been found correct by the police.

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- (b) In the event of her absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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

July 03, 2019
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No