

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-41766 of 2019
Date of Decision: 17.10.2019

Lovely Sharma

....Petitioner

VERSUS

State of U.T. Chandigarh

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Manbir Singh Batth, Advocate
for the petitioner.

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.33 dated 29.01.2019 registered for the offence punishable under Section 307 of Indian Penal Code (for short, "IPC") at Police Station Sector 36, Chandigarh.

Heard.

Notice of motion.

On asking of the Court, Mr. Lalit K. Gupta, Advocate, Addl. P.P., UT Chandigarh, 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 him.

As per case of prosecution, the occurrence took place on 29.01.2019, when petitioner during exchange of hot words with injured- Naresh Kumar hit him on the head with a *danda*. The injury on the person of Naresh Kumar was declared grievous in nature.

The petitioner was arrested on 29.01.2019 and has been in

custody since then. The police after completion of investigation has presented challan in Court.

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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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

October 17, 2019
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No