

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

225

CRM-M-42386-2019

Date of Decision:14.10.2019

Shamsher Singh

.....Petitioner

Versus

State of U.T. Chandigarh

.....Respondent

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

**Present: Mr. Varinder Basa, Advocate,
for the petitioner.**

Mr. Rajiv Vij, APP for the U.T., Chandigarh.

**Mr. Judgepreet Singh Warring, Advocate,
for the complainant.**

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in FIR No.123 dated 13.06.2019 under Sections 341, 323, 324, 326, 307, 498-A IPC, registered at Police Station IT Park, Chandigarh.

Power of attorney filed on behalf of the complainant today in the Court, is taken on record.

The aforesaid FIR was registered at the behest of Bhupinder Kaur, who is wife of the petitioner. As per FIR, marriage between the parties was solemnized on 26.11.2018 and after marriage, the petitioner who is otherwise working in the Indian Army started beating complainant and in the month of May, petitioner attacked her for which she sustained injuries.

On 13.06.2019 at about 8.45 AM, when she was going on her duty in the

Traffic Police, Sector-29, Chandigarh on her activa and has hardly reached just away from Shastri Nagar light point in front of Shushila Poultry Farm, the petitioner who was present on the road with his activa stopped the complainant. He tried to forcibly sit her on his scooter to which the complainant afraid and she prayed for help from the passerby. The petitioner suddenly attacked the complainant with the knife and the persons who were passing through the area saved the complainant from the petitioner.

Learned counsel for the petitioner has argued that the petitioner is in custody since 13.06.2019 and there is no such injury which may attract the offence under Section 307 IPC. This is a purely matrimonial dispute between the parties.

On the other hand, learned counsel for the complainant has argued that two FIRs have been registered against the petitioner. Petitioner is working in the Indian Army and he has given injury to the complainant. He stopped her while she was going on her duty in the Traffic Police and stabbed her with the knife.

Learned counsel appearing on behalf of U.T., Chandigarh, does not dispute the custody period and states that the allegations against the petitioner are serious as he has tried to commit heinous crime of an attempt to commit murder as he was armed with a knife along with a stolen activa vehicle for which a separate FIR has been registered against him.

Heard learned counsel for the parties.

Admittedly, the petitioner is in custody since 13.06.2019. There is no such injury attributed to the petitioner which is proved to be dangerous to life though the offence under Section 307 IPC has been added in the case. The culpability of the petitioner is required to be established

during the course of trial. Moreover, trial in the case is not likely to be concluded in the near future. Therefore, this Court deems it appropriate to admit the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to his furnishing bail bonds/surety bonds to the satisfaction of trial Court.

However, it is made clear that the observations made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall proceed with the trial independently without being influenced by the order of bail passed by this Court.

October 14, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No