

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

CRM-M-6654-2020 (O&M)
Date of decision : 20.07.2020

Reena and another

...Petitioners

Versus

State of U.T. Chandigarh

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Mohit Garg, Advocate for the petitioners.

Mr. J.S. Toor, APP, UT Chandigarh.

ANIL KSHETARPAL, J. (ORAL)

The petitioners pray for grant of regular bail pending trial in a criminal case arising from FIR No.456 dated 15.12.2019 registered under Sections 307/506 of IPC (Sections 325 and 34 of IPC has been added later on), at Police Station Sector 39, UT Chandigarh.

In a nutshell, the case of the prosecution has been noticed by the learned Additional Sessions Judge in para 6 of the order, which is extracted as under:-

“6. As per the prosecution case, the FIR was registered on the basis of complaint made by Shivraj with the allegations that his brother Shishu Pal is residing at the ground floor of the house and 2nd floor is occupied by his brother Suresh Kumar who along with his family is residing there. On 15.12.2019 while he alongwith his wife was sitting on the first floor of the house, in the meantime Shishu Pal, his wife Reena and Preeti wife of Suresh came on the first floor and started quarrelling with his wife. During this

scuffle his brother Shishu Pal threw his wife from the first floor of the house to ground with intention to kill her. Due to this his wife sustained grievous injuries and admitted to GMSH Sector 16 Chandigarh for treatment.”

The correctness of the aforesaid fact is not disputed.

Learned counsel for the petitioners contends that the main allegations are against Shishu Pal. He further submits that the petitioners are in custody for 7 months and 5 days. On completion of the investigation, the police report under Section 173 of Cr.P.C. has been filed.

On the other hand, Mr. J.S. Toor, Assistant Public Prosecutor, Union Territory, Chandigarh, has submitted that the petitioners had initially picked up a fight with the injured.

Be that as it may. The main allegations are against Shishu Pal-accused. The petitioners are in custody for 7 months and 5 days. On completion of the investigation, the police report has been filed under Section 173 of Cr.P.C. The petitioners do not have any criminal antecedents.

Keeping in view the aforesaid facts and without commenting on the merits of the case, the petitioners are directed to be released on bail on their furnishing bail bonds/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

Accordingly, the present petition is allowed.

20.07.2020

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No