

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

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CRM-M-26028-2022

Date of Decision: 21.06.2022

SUNITA

... Petitioner

Versus

STATE OF UT, CHANDIGARH

... Respondent

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: Mr. Sudesh Kumar Khurcha, Advocate
for the petitioner.

Mr. Akashdeep Singh, Addl. P.P. for U.T., Chandigarh.

VINOD S. BHARDWAJ, J. (ORAL)

Instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.74, dated 18.04.2022 under Sections 147, 148, 149, 323, 307, 452 and 506 of the Indian Penal Code, 1860, registered at Police Station Sector 36, Chandigarh.

Learned counsel appearing on behalf of the petitioner *inter alia* contends that as per the case of prosecution, the FIR in question has been registered by one Ravi son of Dharampal, who has reported that one girl from their locality namely Tanya went away with his brother Rahul and that the parents of the said girl had lodged complaint in this regard at Police Station Mouli Jagran. When the complainant was present in his house alongwith his family members on 18.04.2022, the petitioner Sunita alongwith her husband Gulab Singh is stated to have gone to their house at about 07.30 a.m. alongwith 10-12 other companions and started enquiring

about their daughter. They all entered the house forcefully and had taken the complainant out of their house and attacked him with iron rods and sticks with an intention to kill him.

Learned counsel appearing on behalf of the petitioner contends that no specific injury has been attributed to the petitioner and that general and oblivious allegations of causing injuries to the complainant have been levelled. It is further submitted that only simple injuries are reported on the person of injured-complainant and that the offence under Section 307 of the IPC has been attracted only on the strength of an intention rather than upon the gravity of the injury sustained by the victim. Even the said injuries are on the non-vital parts of the body and the weapons claimed to have been used in the occurrence are blunt weapons. He further contends that the petitioner is in custody since 19.04.2022 and that she is no longer required for the purpose of completion of investigation.

Mr. Akashdeep Singh, Addl. Public Prosecutor appears on behalf of U.T., Chandigarh and does not controvert the aforesaid submissions advanced on behalf of the petitioner. He, however, points out that during the course of investigation, Section 325 of the IPC has also been added after obtaining report from Radiologist depicting fractures on the arm and leg of the victim. He, however, does not dispute the fact that the said offence is bailable in nature. It is also not disputed that no recovery is to be effected from the petitioner and that her continued incarceration in judicial custody is not likely to advance any interest of justice.

Taking into consideration the facts noticed above and the period of custody already undergone by the petitioner and the absence of

any specific injury attributed to the petitioner, I deem it appropriate to allow the instant petitioner.

Accordingly, the present petition is allowed and the petitioner is admitted to regular bail subject to her furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate, concerned.

It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

The observations made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall decide the case on the basis of available material.

Petition stands allowed accordingly.

(VINOD S. BHARDWAJ)
JUDGE

21.06.2022
rajender

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No