

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

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CRM-M-46295-2022
Date of decision : 17.10.2022

Vishal

Petitioner

V/S

State of U.T. Chandigarh

Respondent

CORAM : HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr. Karan Dev Sharma, Advocate
for the petitioner.

Mr. Y.S. Rathore, Addl. Public Prosecutor with
Ms. Sudha, Advocate
for the respondent-U.T. Chandigarh.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioner has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.333 dated 28.08.2018 registered under Sections 304 and 201 of the Indian Penal Code, 1860 at Police Station Sector-31, Chandigarh.

The above-said FIR was registered on statement of complainant Sarabjeet Kaur, Team Member Child Helpline, alleging that on 14.08.2018 an information was received at police station that a baby girl aged about 24 days died and buried by the parents. On this information, the inquest proceedings were conducted by SDM after procuring dead body of baby girl from burial ground and postmortem was got conducted from GMCH, Sector-32, Chandigarh. During investigation, it was revealed that the baby girl was killed by Pooja and Vishal (the petitioner) parents of the baby girl.

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. The petitioner was granted bail in the years 2019. The petitioner regularly appeared before the trial Court but unfortunately on account of suffering an epilepsy attack, he could not appear before the trial Court on

02.08.2022. However, on 09.08.2022 the petitioner surrendered before the trial Court and since then he was in judicial custody. The petitioner undertakes to remain careful in future and will not commit such mistake. The petitioner is not involved in any other case. The trial is likely to take long time. No useful purpose will be served by further detention of the petitioner in custody. Therefore, the petitioner may be released on regular bail.

Learned State counsel has opposes the present petition on the ground that the petitioner has committed a serious offence. However, learned State counsel conceded the fact that the petitioner is not involved in any other case.

I have heard learned counsel for the petitioner and learned State counsel and gone through the paper-book.

Keeping in view the facts and circumstances of the case, the custody period of the petitioner, the fact that the petitioner is not involved in any other case and also the fact that the trial is likely to take long time but without commenting anything on merits of the case, the present petition is allowed.

The petitioner-Vishal is ordered to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

17.10.2022

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**(ASHOK KUMAR VERMA)
JUDGE**

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No