

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

CRM-M-31109-2015 (O&M)

Date of Decision: September 28, 2015

Balwinder Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr.Tarun Vir Singh Lehal, Advocate
for the petitioner.

Mr.P.S.Ghuman, Addl.A.G.Punjab.

.....

1. *Whether Reporters of local papers may be allowed to see the judgment ?*
2. *To be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

NARESH KUMAR SANGHI, J.(Oral)

Prayer in this petition, filed under Section 439, Cr.P.C., is for grant of regular bail to the petitioner, Balwinder Singh, son of Bakshish Singh, Caste Majbi, resident of village Bholeke, Police Station, Fatehgarh Churian, Tehsil Batala, District Gurdaspur, who has been booked for having committed the offences punishable under Sections 308 and 325 read with Section 34, IPC, in a case arising out of FIR No.22, dated

18.04.2015, registered at Police Station, Fatehgarh Churian, District Gurdaspur.

Learned counsel contends that as per the contents of the FIR, the petitioner had caused an injury on the head of the injured, Mangu Masih, by means of a blunt object; the doctor who had medico legally examined Mangu Masih found the injury to be a lacerated wound while after delayed CT scan report it was revealed that Mangu Masih had sustained clean cut fractures of two bones on the left temporal area. He further submits that by blunt object, the fractures alleged to have been received by Mangu Masih were not possible. He further submits that the maximum sentence prescribed for the offence punishable under Section 308, IPC, is rigorous imprisonment for seven years.

Learned counsel for the State, after taking instructions from ASI Chanan Singh, Police Station, Fatehgarh Churian, and going through the police file, very fairly submits that as per medico legal report, the injury on the person of Mangu Masih was blunt in nature while the CT scan report revealed that the grievous injuries were caused by sharp edged weapon.

Without commenting upon the merits of the case, the present petition is allowed. Petitioner Balwinder Singh, son of

Bakshish Singh, Caste Majbi, resident of village Bholeke, Police Station, Fatehgarh Churian, Tehsil Batala, District Gurdaspur, who is behind the bars from 04.07.2015, is ordered to be released on bail during pendency of the investigation/trial of the present case subject to his furnishing bonds to the satisfaction of learned Chief Judicial Magistrate/ Duty Magistrate, Gurdaspur.

September 28, 2015
meenu

(NARESH KUMAR SANGHI)
JUDGE