

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-34269 of 2015

Date of decision : October 14, 2015

Amrik Singh

....Petitioner

versus

State of Punjab

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Ms. Ishma Randhawa, Advocate, for the petitioner
Mr. Gurveer Sidhu, AAG, Punjab

Fateh Deep Singh, J. (Oral)

Petitioner Amrik Singh who is in custody since 14.4.2015 in this case has sought regular bail. The allegations as spelt out by the State are that on 7.4.2015 around 7.15 AM, the accused side including the petitioner armed with 12 bore gun assaulted the complainant injuring Bhag Singh. It is the stand of the State that a single pellet was found embedded on the right side chest of the injured.

Learned counsel for the petitioner has contended that the own medical evidence of the prosecution belies its version and has drawn the attention of the Court to the medical certificate issued by EMO CHC Sarhali which on the basis of the X-ray report has declared this injury as grievous and which as per the MLR is a single pellet. The stand of the complainant

in his statement which forms the subject matter of the FIR shows that out of the fire of 12 bore DBBL gun only a single stray pellet has hit the injured who admittedly has since been discharged and the fact that the State has squarely conceded that there is no medical evidence to show his treatment the vital body signs at the time of the admission or any surgical notes are matters which cast affect on the very nature of the injury and it is debatable if the same is covered under section 307 IPC. Moreover, as has been contended by the counsel for the petitioner, the parties have effected compromise and has placed reliance on the affidavit of injured-complainant Bhag Singh Annexure P/3 and that the parties have also filed petition for quashing of the FIR on the basis of compromise to enforce the submission for bail. In the totality of the same and the fact that the petitioner is in custody since more than six months, the investigation and trial are not likely to be concluded in near future, no useful purpose shall be served by retaining the petitioner in jail. Culpability, if any, shall be determined at the time of trial.

In view of the aforesaid, without meaning to express any opinion on the merits, the instant bail petition is allowed. Bail to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, Tarn Taran.

October 14, 2015**'tiwana'****(Fateh Deep Singh)
Judge**