

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM M-34908 of 2015
Date of Decision: November 9, 2015

Ishwar Singh
.....Petitioner

Vs.

State of Haryana
.....Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI.

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Present:- Mr.R.S. Cheema, Sr. Advocate with
Mr. R.K. Trikha, Advocate
for the petitioner.

Mr. C.S. Bakshi, Addl.A.G., Haryana.

Mr. J.S. Bedi, Sr. Advocate with
Mr. P.M. Chauhan, Advocate
for the complainant.

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M.M.S. BEDI, J.

Petitioner seeks the concession of regular bail in a case registered at the instance of Jugan Singh alleging that the petitioner along with three other co-accused had assaulted Bijender, brother of the complainant with iron rod and lathis. The petitioner had been granted the concession of regular bail but on addition of offence under Section 307 IPC and he having been attributed a rod blow on the left side of head of Bijender,

he was taken in custody. Petitioner has been in custody w.e.f. July 13, 2015. The challan has already been presented and charges stand framed.

Mr. R.S. Cheema, learned senior counsel for the petitioner has submitted that it is a case of cross-version wherein the incident is stated to be of 2.30 p.m. on April 7, 2015. The injuries on the person of the petitioner have not been explained in the FIR. Reliance has been placed on the MLR of petitioner annexure P-6 which indicates that there are 7 injuries on the person of the petitioner indicating that the petitioner had been examined at 4.00 p.m. on April 8, 2015. So far as injury on the head of Bijender is concerned, counsel for the petitioner has submitted that Bijender Singh was admitted in the private hospital, namely, Ayushman Hospital and Trauma Centre at 6.15 p.m. as per the time recorded in the medical report. A compressed lacerated wound (CLW) was found on the parietal region. C.T. Scan was done by the private hospital and he was discharged on April 18, 2015. The Senior Medical Officer was requested to get the opinion of the medical board regarding the injury on the person of Bijender Singh on the basis of the C.T. Scan report of the radiologist of PGIMS, Rohtak and X-ray, whereby injury No.1 has been declared as dangerous to life.

I have gone through the medical report. The fracture of the left temporal bone which is a grievous injury as per Section 320 IPC is also declared as dangerous to life. As per Section 320 Cr.P.C., an injury dangerous to life falls under the definition of grievous injury. There is no other evidence available on the record indicating that the injury actually

endangered the life of the injured. The injury on the person of petitioner is suggestive of a plausible plea of private defence available to him.

Without expression of any opinion on merits, whether the petitioner is entitled to the benefit of self-defence or he acceded his self-defence, it is sufficient to observe that the challan has already been presented and petitioner has been in custody w.e.f. July 13, 2015.

Mr. J.S. Bedi, learned senior advocate appearing on behalf of the complainant has vehemently contended that the fracture of skull being dangerous to life and another fracture of parietal bone of the complainant should be considered as circumstances for not granting bail to the petitioner.

I have considered the rival contentions of both the parties and I am of the view that the petitioner has been attributed an injury with blunt weapon on the skull which has resulted in fracture. The injury on the person of petitioner accused having not been explained, the petitioner can be granted the concession of bail.

Petition is allowed. Petitioner is ordered to be released on bail on his furnishing bail bonds/ surety bonds to the satisfaction of the trial Court subject to an additional condition that the petitioner will not commit the similar offence of which he is accused of during the pendency of the trial. In case of any such eventuality, it will be open to the complainant or the prosecution agency to seek cancellation of bail.

November 9, 2015
sanjay

(M.M.S.BEDI)
JUDGE