

**Criminal Miscellaneous No.M-5353 of 2015 (O & M)**

**Date of Decision: April 30, 2015**

**Kuldeep Singh**

..... PETITIONER

*VERSUS*

**State of Punjab**

..... RESPONDENT(S)

. . .

**CORAM: HON'BLE MR. JUSTICE JASPAL SINGH**

. . .

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?

. . .

**PRESENT:** - Mr. Inderjit Sharma, Advocate, for the petitioner.

Ms. Priyanka Sadar, Assistant Advocate General, Punjab.

. . .

**Jaspal Singh, J**

**Crl. Misc. No.6924 of 2015**

Allowed as prayed for.

Documents, Annexure P-4 and P-5, are taken on record.

**Crl. Misc. No.M-5353 of 2015**

1. This petition has been preferred under Section 438 Cr.P.C. by Kuldeep Singh, feeling apprehension of his arrest in

case FIR No.307, 324, 323, 341, 148, 149 IPC, registered at Police Station, Maur, District Bathinda.

2. Shortly put, case of prosecution as unfolded by Nirbhai Singh – injured/ complainant, is that on December 27, 2014 at about 9:00 AM, when he and his brother Gurpreet Singh were standing near their house, Kuldeep Singh and Daljit Singh armed with Gandasa, Gurlal armed with Kulhari, Sukhmander Singh armed with Soti and Mandeep Singh armed with Pipe, all residents of village Jodhpur Pakhar, came there and started hurling abuses. Kuldeep Singh dealt a Gandasa blow hitting on his forehead, whereafter, Daljit Singh inflicted Gandasa blow hitting on left arm of his brother Gurpreet Singh. Sukhmander Singh gave a Soti blow on forehead of Gurpreet Singh. Then, Gurlal Singh and Mandeep Singh threw them and caused beatings with kicks and legs.

3. Initially, FIR was registered under Sections 324, 323, 341, 148, 149 IPC but subsequently, on receipt of opinion rendered by Dr. Gurmit Singh, Medical Officer, Civil Hospital, Bathinda, offence under Section 307 IPC was added.

4. Here, it would be appropriate to reproduce opinion of doctor (Annexure P-2):-

“After going through the x-ray report and notes of bed head ticket, although the injury no.1 is simple in nature

but the possibility of this injury endangering the life can not be ruled out. For explanation and illustration relevant pictorial diagram and note on emissary veins, is being attached herewith.”

5. A glance at the aforesaid opinion transpires that injury No.1 is simple in nature but only an opinion has been given to the effect that possibility of this injury endangering the life cannot be ruled out. It is doubtful that on the basis of such opinion, Section 307 IPC would be attracted.

6. In the given circumstances, this Court is of the considered view that case is made out to exercise discretion envisaged under Section 438 Cr.P.C. Accordingly, petition is allowed. In the event of arrest, petitioners shall be released on bail subject to the following conditions:-

i) He shall make himself available for investigation within seven days from the date of receipt of a certified copy of this order; and subsequent thereto, to join investigation as and when required to do so;

ii) He shall not leave the country without the prior permission of the Court;

iii) He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police official.

7. While parting with order, it is made explicit that anything observed in this order shall have no bearing on the

merits of main case and the observation, if any, shall remain limited to the disposal of this petition.

**April 30, 2015**  
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**(Jaspal Singh)**  
**Judge**