

CRM-M-11810-2016 (O&M)

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

**CRM-M-11810-2016 (O&M).
Decided on: May 28, 2016.**

Ram Singh

..... Petitioner(s)

Versus

State of Punjab

..... Respondent(s)

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

**PRESENT Mr.P.S.Dhaliwal, Advocate,
for the petitioner.**

Mr.Jashanpreet Singh, DAG., Punjab.

M.M.S. BEDI, J (ORAL).

Petitioner has been in custody w.e.f. 13.1.2016 in a case registered at the instance of Jagtar Singh alleging that on 23.2.2015, while the complainant was working in his shop, the petitioner along with his two sons armed with knife trespassed into the shop and started assaulting the complainant. Two sons of the petitioner have already been granted the concession of pre-arrest bail.

So far as the petitioner is concerned, he is alleged to have inflicted a knife blow on the chest of the complainant.

I have heard the learned counsel for the petitioner and gone through the police file. In the present case, the injury which is attributed to the petitioner was a stab wound of length 1.5cm over the chest

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in the middle and 5cm above from the left ankle. Surgeon's opinion was sought for regarding the nature of the injury. C.T. Scan report of the injured describes that Hydropneumothorax was noticed in the lower lob of left. No fracture was seen. On the basis of said report, the concerned medical officer has given an opinion that the injury on the person of Jagtar Singh was dangerous to life. There is no surgical opinion by any surgeon. There has not been any surgery undertaken for the alleged injury. The technical term “Hydropneumothorax” scientifically means the presence of both fluids and gas in the pleural cavity. Merely on the basis of said symptoms without there being surgical notes and without there being any material on the record indicating the extent of any injury on any internal organ, description of the injury as dangerous to life appears to be contrary to the definition of grievous injury under Section 320 IPC. It is an admitted fact that the complainant was discharged from the hospital. The incident in the present case is dated 23.12.2015. The hospital record indicates that the injured was admitted on 27.12.2015 three days after the occurrence though he was medico legally examined on 23.12.2015 at 9:30 AM.

State counsel has submitted that during this period, the complainant was being treated at Barnala. The challan has already been presented but there does not appear to be any record regarding the treatment undertaken by the complainant. Be that as it may, the petitioner being in custody w.e.f. 13.1.2016, can be granted the concession of bail in the aforesaid circumstances of the case.

The petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the

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satisfaction of the trial Court subject to the condition that the petitioner will not make any attempt to tamper with the evidence or threaten the witnesses.

May 28, 2016.
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(M.M.S. BEDI)
JUDGE