

CRM-M-11663-2015 (O&M)

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

**CRM-M-11663-2015 (O&M).
Decided on: February 24, 2016.**

Jarmal Singh

..... Petitioner(s)

Versus

State of Punjab

..... Respondent(s)

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

PRESENT Mr.J.S.Thind, Advocate, for the petitioner.

Ms.H.K.Athwal, DAG, Punjab.

**Mr.R.S.Sekhon, Advocate,
for the complainant.**

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

Petitioner is alleged to have given a dang blow on the left arm of Darshan Singh father of complainant Gurbhej Singh as a member of an unlawful assembly whereas three persons namely Karnail Singh, Kulbir Singh and Gurmit Singh have died.

So far as the petitioner is concerned, he had received gun shot injury on his neck resulting in loss of voice at the hands of Karnail Singh deceased. Name of the petitioner was kept in column No.2 as he could not be arrested on account of his medical conditions due to injuries received by him at the hands of Karnail Singh deceased. It has been reported that the petitioner has lost voice on account of gun shot injury received by him.

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State counsel, on the instructions of ASI Satpal, submits that supplementary challan against the petitioner is ready to be presented in near future.

Counsel for the complainant has intervened to oppose the application for bail, inter alia, on the ground that the prosecution agency intentionally is not presenting challan against the petitioner in an unfair manner. However, it is admitted that he has received a gun shot injury. It is a case of cross-version.

After hearing the counsel for the petitioner, counsel for the complainant as well as the State counsel, it appears that it is a case of cross-version. It will be debatable during trial whether the accused had acted as a self defence measure or his act exceeded the limits of self defence.

Taking into consideration the role attributed to the petitioner and his present medical status, he can be granted relief under Section 438 Cr.P.C.

The petition is allowed. It is ordered that in case of arrest of the petitioner, he would be released on bail to the satisfaction of the arresting officer and in case of presentation of supplementary challan against him, he would be granted concession of bail by trial Court subject to the conditions that he will not take any step to delay the proceedings or to hamper the trial. The relief has been granted to the petitioner on the basis of his medical condition and the role mentioned hereinabove.

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In case the complainant has got any grievance regarding any act of the Investigating/prosecuting agency, it will be open to the complainant to avail the legal remedy in accordance with law.

February 24, 2016.
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(M.M.S. BEDI)
JUDGE