

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM M-13936 of 2016

Date of Decision: May 25, 2016

Hardeep Sharma

.....Petitioner

Vs.

State of Punjab

.....Respondent

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

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Present:- Mr. S.S. Sandhu, Advocate
for the petitioner.

Mr. Jashanpreet Singh, AAG, Punjab.

Mr. Sandeep Arora, 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 Jaspreet Singh alleging that on December 26, 2015 the complainant had gone to the shop of his friend Harmeet Singh where Happy came and started picking articles but when he was stopped, he called his friends by making calls. After some time, said Happy along with 7/8 persons came on the spot armed with datar, base ball bats and attacked

the complainant, his friend Harmeet Singh and his father Kulwant Singh who had intervened to rescue.

Learned counsel for the petitioner has submitted that as a matter of fact there had been a fight amongst the youngsters but the petitioner, being father of the main accused Heera has been falsely implicated on account of political intervention. It has been urged by learned counsel for the petitioner that the petitioner has been involved in the case only with an objective to implicate the family members of main accused Heera. Counsel for the petitioner has also urged that the petitioner is suffering from various ailments like diabetes, mellitus with hypertension and IHD, Renal lithiasis and OA knees and has been referred to Civil Hospital, Jalandhar few times and remained admitted there. OPD slips and discharge certificates have been annexed as annexure P-3.

Learned counsel for the complainant has intervened to oppose the petition for bail contending that the petitioner has been attributed an injury on the head i.e. left temporal bone and that there is another FIR registered against the petitioner under the Arms Act.

I have heard learned counsel for the petitioner, counsel for the complainant, State counsel at length and gone through the police record. A perusal of the police file reflects that injured Kulwant Singh who had allegedly received injuries at the hands of petitioner was examined by private hospital which had declared injury No.1 on the person of Kulwant Singh as grievous.

Counsel for the petitioner has vehemently urged that the petitioner has been involved in the case on account of political vendetta.

It will be a debatable issue during the course of trial if on the basis of the medical evidence of a private hospital, the description of the injuries could be relied upon. A perusal of the police file indicates that the MLR was conducted regarding the incised wound 4 cm x 0.25 cm deep on the lateral aspect of the right arm on December 26, 2015 which has not been explained by any of the prosecution witnesses. Surprisingly confessional statement signed by the petitioner has been recorded by the police to the effect that he had not attributed the said injuries in the occurrence.

Without expression of any opinion on merits of the case at this stage, the petitioner can be granted the concession of bail as he has been in custody w.e.f. February 2, 2016.

In view of the above, the 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.

Original police file is returned.

May 25, 2016
sanjay

(M.M.S.BEDI)
JUDGE