

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

CRM-M No.16551 of 2016
Date of decision: 5th August, 2016

Dalip Kumar

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. V.D. Sharma, Advocate for the petitioner.

Mr. Munish Sharma, Asstt. Advocate General, Haryana.
for the respondent/State.

Mr. Deepak Girotra, Advocate
for the complainant.

FATEH DEEP SINGH, J (ORAL)

It has been brought to the notice of this Court that CRM-M No.10572 of 2016 titled as 'Kamla Devi and another v. State of Haryana' has already been disposed off by this Court.

Allegations against the petitioner Dalip Kumar in this anticipatory bail application under Section 438 Cr.P.C. are that he along with his co accused non-applicant had assaulted the victim Rajjo Bai. The petitioner is attributed a blow with sickle on the ring finger of the victim which is opined to be grievous in nature.

Contentions of learned counsel for the petitioner that it was on the secret information of the petitioner Dalip Kumar a case under NDPS has been registered against the son of the complainant and it is

out of retaliation that the present case has been registered as a counterblast. Though the factual aspect so spelled out by learned counsel for the petitioner could not be refuted by the State and as has been pointed out by learned counsel for the petitioner contents of the FIR that a brick blow was given on the head of the victim is unsubstantiated by the medical record in view of which there being no injury on the head as per the medical record and the only injury is on the non vital part and culpability if any shall be determined during trial, impels this Court to allow the prayer made by the petitioner.

In view of this, in the event of arrest, petitioner is ordered to be released on bail to the satisfaction of the Arresting Officer till submission of report under Section 173 Cr.P.C. (challan). He shall continue to join investigation. Petitioner shall furnish an undertaking that he shall abide by the conditions specified under Section 438 (2) Cr.P.C. Thereafter, petitioner will be permitted to furnish regular bail bonds to the satisfaction of the trial Court.

(FATEH DEEP SINGH)
JUDGE

August 5, 2016

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No