

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

CRM-M No.21922 of 2016
Date of decision: 4th August, 2016

Labh Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Gopal S. Nahel, Advocate for the petitioner.

Mr. J.S. Brar, Asstt. Advocate General, Punjab
for the respondent/State.

FATEH DEEP SINGH, J

Allegations against petitioner Labh Singh in this anticipatory bail application under Section 438 Cr.P.C. are that on 19.02.2016 accused petitioner Labh Singh along with co-accused Pritpal Singh and Vicky waylaid the complainant who was going on his motor bike. A blow of Soti was given by Pritpal Singh hitting on the back and lower portion of right leg and thigh and another blow on the left thigh and its back. Accused Vicky had assaulted complainant with Soti on the right shoulder, right wrist and left knee whereas the petitioner is alleged to have given blow of butts of his revolver hitting on the left eye and left side of head.

Learned counsel for the petitioner Mr. Gopal Singh Nahel submits that all the injuries are simple in nature and that the allegations of Labh Singh petitioner being armed with a weapon are unfounded and all the injuries so alleged are by blunt means and firearm has never been used.

Learned State counsel Mr. J.S. Brar, Asstt. Advocate General, Punjab has opposed bail on the grounds that serious injuries have been caused on the vital parts of the body of victim which disentitles the petitioner who is principal accused to any relief.

Appreciating the submissions, the medical opinion dated 04.05.2016 underlines the fact that all the injuries except injury No.2 and 3 have been declared as simple and these have been kept under observation and as per the NCCT of these injuries, no definite bony injury is seen as per the report of the expert. Thus, the very applicability of Section 307 IPC is a debatable issue. Sending the petitioner to custody would be a travesty of justice and the offences are not of heinous nature.

In view thereof, 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 and 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 4, 2016
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No