

CRM-M-21989-2016

Date of Decision : 20.10.2016

Surinder Singh @ Katta

.....Petitioner

versus

State of Punjab and another

....Respondents

CORAM : HON'BLE MR. JUSTICE M.M.S. BEDI**Present:** Mr. Salinder Kumar Saini, Advocate for
Mr. Dhirinder Chopra, Advocate
for the petitioner.

Ms. Simsi Dhir Malhotra, DAG, Punjab.

Mr. Nikhil Bhatia, Advocate
for the complainant.**M.M.S. BEDI, JUDGE (ORAL)**

Petitioner had allegedly trespassed in the house of respondent No. 2, Sumiter Singh on 11.06.2016 along with his brother Lakhwinder Singh and Surinder Singh and assaulted the complainant with a *danda* resulting in a fracture on the neck of femur bone.

With the assistance of learned State counsel and Head Constable Harjinder Singh, I have gone through the police file. The complainant, Sumiter Singh, no doubt, is aged about 69 years but in the x-ray report dated 11.06.2016, it appears to have been recorded that there was no external mark of injury found on the lateral aspect of left hip.

Learned counsel for the complainant has submitted that as a matter of fact, on account of fractured neck of femur, the complainant was operated on 15.06.2016 for hip replacement. The said discharge summary dated 22.06.2016 of a private hospital, has been made

available.

After considering all the facts and circumstances of the case, I am of the opinion that the receipt of the injury with *danda* resulting in fracture of the neck of the femur bone without there being any external mark of injury, will raise debatable issue regarding the receipt of injury by the complainant, as per the version put forth before the police by the complainant. The petitioner has joined investigation. The petitioner can be granted the concession of bail.

In view of above said circumstances, the petition is allowed. It is ordered that in case of arrest of petitioner, he shall be released on bail subject to the condition that he will join investigation as and when required and will not tamper with the evidence or hamper the investigation in any manner. He will not commit the similar offence of which he is accused of in the present case during the pendency of the trial.

(M.M.S. BEDI)
JUDGE

20.10.2016
Neha

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No