

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

(220)

CRM-M-34186-2015

Decided on: January 12, 2016.

State of Punjab

.... Petitioner

Versus

Angrej Singh

..... Respondent

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

Present: Ms. Harpreet Kaur Athwal, DAG, Punjab.

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

This is a petition filed by State of Punjab seeking cancellation of regular bail granted to respondent Angrej Singh.

Notice could not be issued to the respondent for today as the petitioner failed to deposit the requisite process fee.

Ms. Harpreet Kaur Athwal, DAG, Punjab has contended that the respondent has been able to achieve a favourable order by misrepresentation. Reference has been made to order dated 12.12.2014 wherein it has been observed that the respondent had been attributed simple injuries on the wrist of Nachhattar Singh as such he was entitled to bail.

With the assistance of learned counsel for the petitioner, I have carefully gone through the record and I am of the opinion that the respondent has been attributed a grievous injury which is apparent from the MLR of Malkit Singh. MLR Annexure P-2 and the x-ray report reflect that injury on the wrist of Malkit Singh was grievous. As per the x-ray report injury No.2 was a Cortical break distal shaft of right ulna.

I have considered the facts and circumstance of the case.

After having been granted concession of regular bail, the respondent seems to have not misused the said concession. The scope of recalling the order of granting bail is very meager.

This Court is of the opinion that the respondent having not misused the liberty and even if the injury attributed to the petitioner is a grievous injury would not have curtailed the right of the petitioner to seek regular bail as the medical evidence produced on the record is still rebuttable regarding the nature of the injury.

No ground is made out to cancel the bail of the respondent.

Dismissed.

However, it is observed that any observation made in order dated 12.12.2014 will not in any manner prejudice the right of the prosecution agency while determining the culpability of the respondent.

(M.M.S. BEDI)
JUDGE

January 12, 2016
harsha