

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

CRM-M No.36871 of 2016
Date of decision: 25th October, 2016

Kaka Singh @ Gurdas Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Amandeep Chhabra, Advocate for the petitioner.

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

FATEH DEEP SINGH, J. (ORAL)

Allegations against the petitioner Kaka Singh @ Gurdas Singh in this petition filed under Section 439 Cr.P.C. seeking regular bail in case FIR No.19 dated 14.02.2016 registered at Police Station Raman, District Bathinda under Sections 324/323/34/326 IPC, are that on 14.02.2016 he along with his co-accused/non-applicant had assaulted Shinder Singh and caused him injuries by means of axe.

Contentions of the learned counsel for the petitioner are that only two injuries are attributed to the petitioner both on the hand, one of which is simple and the other is declared grievous in nature and that the petitioner is in custody since 20.04.2016.

The arguments put forth by learned counsel for the petitioner that both the injuries are on non vital parts of the body and that the very medical opinion as to the grievousness of the injury is not

supported by the medical record much less any radiological examination.

The factual scenario could not be displaced by learned State counsel who has duly conceded to at the bar that there is lack of medical evidence to support this fact that the injury was covered under Section 326 IPC.

In the light of submissions made by learned counsel for the petitioner, the applicability of Section 326 IPC being a debatable issue and the fact that the trial will take a long time to conclude, this Court is of the opinion that further detention of the petitioner in the present case is unwarranted. Accordingly, he is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Bathinda.

The petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

October 25, 2016

rps

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