

CRM-M-40144-2016

Date of Decision : 20.12.2016

Balwinder

.....Petitioner

versus

State of Punjab

....Respondent

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

Present: Ms. Kavya Jariyal, Advocate for
Mr. B.S. Jaswal, Advocate
for the petitioner.

Ms. Simsi Dhir Malhotra, DAG, Punjab.

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

On the instructions of ASI Hardev Singh, it has been informed that petitioner has joined investigation.

Learned State counsel has opposed the application *inter alia* on the ground that the *datar* blow attributed to the petitioner on the right elbow of complainant, Jangpreet Singh, has resulted in a bone cut.

I have considered the facts and circumstances of the case. In view of the fact that petitioner has joined investigation and the injury attributed to the petitioner, apparently, is a bone cut, it will be a debatable issue whether the injury falls under the definition of grievous injury mentioned in Section 320 IPC.

The petition is allowed. Interim order dated 16.11.2016 is

hereby made absolute subject to all the conditions under Section 438 (2) Cr.P.C with an additional condition that petitioner will not indulge in similar activity during the pendency of the trial. He will also not directly or indirectly, threaten or pressurize any person, acquainted with the facts of the case.

(M.M.S. BEDI)
JUDGE

20.12.2016
Neha

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No