

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

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CRM-M-40408-2015

Date of Decision: January 7, 2016

RAMEHAR

.....PETITIONER

VERSUS

STATE OF HARYANA HARYANA

.....RESPONDENT

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

Present: Mr.M.K.Tanwar, Advocate
for the petitioner

Mr.Charanjit Singh Bakshi,Addl.A.G.Haryana

Mr.Aman Vashisht, Advocate

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

The petitioner seeks concession of regular bail in a case registered at the instance of Gaje Singh alleging that the petitioner along with 7 other persons armed with iron strip, knife and sticks attacked the complainant and assaulted him. The petitioner is alleged to have raised lalkara and injured the complainant with an iron strip.

Counsel for the complainant opposed the bail application contending that injury attributed to the petitioner is grievous injury.

I have heard counsel for the petitioner, State counsel and counsel for the complainant and gone through the police file.

The parties were directed to make available copy of medical evidence or the surgical notes.

Perusal of the police file reveals that the petitioner had earlier been declared innocent in view of earlier investigation conducted but some how on an application having been filed, he has been arrayed as accused on the basis of allegations of the complainant.

With the assistance of the investigating officer present in the

Court, I have gone through the medical evidence. The opinion which was sought from the Medical Officer was whether injury No.1 suffered by the complainant can be caused on account of fall or self-suffered. The Doctor has given the opinion that according to surgical opinion injury No.1 is grievous in nature. There is an interpolation. In the bracket, it is mentioned that injury is dangerous to life. The remaining injuries present on the person of complainant are specifically described as simple.

The petitioner has been in custody w.e.f. 4.10.2015. He having earlier been declared innocent; in view of the weapon of offence and the material on the basis of which injury No.1 has been shown to be grievous, the petitioner can be granted the benefit of bail.

The petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bond and surety bond to the satisfaction of the trial Court.

January 7, 2016
TSG

(M.M.S.BEDI)
JUDGE