

CRM-M-42480-2016

Date of Decision : 21.12.2016

Davinder Kumar

.....Petitioner

versus

State of Punjab

....Respondent

CORAM : HON'BLE MR. JUSTICE M.M.S. BEDI**Present:** Mr. G.P.S. Bal, Advocate
for the petitioner.

Ms. Simsi Dhir Malhotra, DAG, Punjab.

Mr. V.K. Sandhir, Advocate
for the complainant.**M.M.S. BEDI, JUDGE (ORAL)**

Petitioner seeks concession of pre-arrest bail in a case registered at the instance of Naresh Kumar alleging that on 29.07.2015, he was assaulted by the petitioner with *datar* on the left side of the forehead. He also gave a stone blow on right shoulder of the complainant. The motive attributed is a dispute regarding the land.

The injury attributed to the petitioner was declared simple by Dr. Swati but on the request of investigating agency, the injury was re-examined. The said injury has been declared to be grievous in nature on the ground that the said injury would leave a permanent scar on the forehead of the complainant. In view of the above said medical evidence, it will be a debatable issue whether the petitioner is guilty of inflicting grievous injury.

Admittedly, there is an enmity between the parties. Petitioner having joined investigation, there being no bony injury as per the record, the petition can be allowed. Ordered accordingly. It is

directed that in case of arrest of petitioner, he shall be released on bail to the satisfaction of the arresting officer subject to a condition that petitioner will not indulge in similar activity, during the pendency of the trial and will not in any manner, make any inducement, threat or pressurize the complainant or any other person, acquainted with the facts of the case. In case of violation of any of the above conditions, it will be open to the complainant to approach this Court for cancellation of bail.

(M.M.S. BEDI)
JUDGE

21.12.2016
Neha

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No