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

CRM-M-42351-2015
Date of decision : 30.03.2016

Sandeep @ Mogri

..... Petitioner

VERSUS

State of Haryana

..... Respondent

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

Present: Mr. Vaibhav Sehgal, Advocate for the petitioner.

Mr. G.S. Salwara, DAG, Haryana.

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

Petitioner is alleged to have given a glass bottle blow on the head of Kulbir. Medical report of Kulbir indicates that he has been in-capacitated and a portion of his skull bone is absent in the operated area.

Counsel for the petitioner submits that the petitioner has been in custody w.e.f 03.03.2014 and Kulbir is not being examined intentionally.

I do not find any force in the contention of learned counsel for the petitioner. A perusal of the report of the Medical Officer, Civil Hospital, Hisar indicates that the injured is conscious, cooperative and oriented but is non-ambulatory, on

wheel chair and unable to stand or feed himself and his response to questions is slow.

In view of the said circumstances, I do not find any ground to grant the concession of bail to the petitioner but I am of the opinion that in case the complaint/injured is produced before the Court, after determining the capacity of the injured to depose, he could be examined.

The case of the petitioner is not at par with co-accused Gajjan Singh who has been granted bail by this Court.

Petition is dismissed at this stage with liberty to the petitioner to approach this Court again in case there is change in the circumstances.

March 30, 2016
Ramandeep Singh

(M.M.S. BEDI)
JUDGE