

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

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CRM-M-44502-2015

Date of Decision: February 17, 2016

AMANJOT SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

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

Present: Mr.S.P.S.Chakkal, Advocate for the petitioner.

Ms.Simsi Dhir Malhotra, DAG, Punjab.

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

Petitioner seeks concession of regular bail in a case registered at the instance of Pardeep Singh alleging that on 10.12.2015 the complainant and his friend Simranjit Singh were attacked by 10/15 persons armed with deadly weapons while they were waiting for bus. The complainant himself and his friend Simranjit Singh were assaulted as a result of which they received number of injuries.

Counsel for the petitioner submits that the petitioner is not named in the FIR and that as per the FIR no specific role has been attributed to the petitioner but on the supplementary statement of Simranjit Singh, the petitioner has been attributed injury with Kirch on the back right side of his chest.

With the assistance of the State counsel I have gone through the MLR indicating two incised wounds on the back of the chest of Simranjit Singh. The injured was examined on 10.12.2015 while the injuries were kept under observation. The injured appears to have been taken to PGI, Chandigarh where he had been admitted on 10.12.105 and discharged on 13.12.2015. The medico legal case summary prepared by PGI, Chandigarh indicates that two stabs wounds were found, one of 4 cm and second of 3 cm. It is specifically mentioned inter coastal muscle breach of wound which is 4 cm. For the other wound inter coastal breach has been noticed. The injuries have been described as grievous. It appears to be a debatable at this stage whether the injury attributed to the petitioner would fall under the definition of grievous injury under Section 320 IPC.

Counsel for the complainant has intervened to oppose the bail application contending that investigation is still in progress and that the other co-accused of the petitioner are yet to be arrested.

Though the allegations against the petitioner are serious but in view of nature of the injury described above it will be debatable whether the injury attributed to the petitioner is actually grievous injury or that the injury on the person of Simranjit Singh is grievous injury or dangers to life. The complainant having been discharged from the hospital long time back, the petitioner can be granted the concession of bail. It is not out of place to mention here that the petitioner is student of B.A.Ist year in Doaba College, Tehsil Kharar, Distrcit Mohali.

Without expression of any opinion on merits of the case, considering the period of detention of the petitioner w.e.f. 17.12.2015, 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 Chief Judicial Magistrate, Mohali subject to the conditions that the petitioner will not indulge in similar activities of which he is accused of during the pendency of the trial. In case of any complaint of having threatened the injured or witnesses, it will be open to the complainant or the injured to seek cancellation of bail.

February 17, 2016
TSG

(M.M.S.BEDI)
JUDGE