

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

CRM-M-5124 of 2016

Date of Decision: **February 17, 2016**

Ram Inder

..... Petitioner

Versus

Union Territory, Chandigarh

..... Respondent

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

Present: Mr. A.S. Sandhu, Advocate,
 for the petitioner.

Mr. Gautam Dutt, APP,
for U.T. Chandigarh.

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

The petitioner is in custody w.e.f. 06.12.2015 on the allegations of the complainant Daya Ram that on 11.11.2015, the petitioner alongwith his companions trespassed in the house of the complainant and inflicted injury on the head of the complainant with an iron rod, whereas, his co-accused is attributed a knife injury on the waist. The allegations against the petitioner are also of having assaulted sister-in-law and brother of the complainant, which will be existed on record.

After hearing counsel for the petitioner and State counsel and going through the police file, it transpires that injury attributed to the petitioner with the rod on the head of Daya Ram stands declared as simple one whereas injury attributed to his co-accused with knife is dangerous to life. It would be debatable during the course of trial whether the petitioner could be held guilty for offence under Section 307 with the aid of Section 34 IPC for the injury attributed to his co-accused.

Without expressing of any opinion on merit, it is sufficient to observe that the petitioner has been in custody for the last more than 2 and half months. Petition is allowed. Petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of Chief Judicial Magistrate, Chandigarh.

(M.M.S. BEDI)
JUDGE

February 17, 2016
Dinesh