

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

Cr. Misc. M 7725 of 2016
Date of decision: 4.5.2016

Kallu and ors

Petitioners

vs.

State of Haryana

Respondent

Present: Mr. Saleem Ahmed, Advocate.
Mr. Vikas Malik, DAG, Haryana
Dr. Surya Parkash, Advocate.

M.M.S.BEDI,J.

This order will dispose of two petitions, one filed by Kallu and others (CRM M 7725 of 2016) and the second filed by Yusuf (CRM M 11177 of 2016).

Counsel for the complainant has intervened to oppose the petition contending that Sadam and Mushtak have been attributed injuries with dandas on the head of Dhani Ram, who has shown encephalomalacia changes.

Counsel for the petitioners submit that encephalomalacia is loss of brain tissue, besides the softening of the brain tissue and that the injury attributed to the petitioners will be treated as simple injury.

Learned State counsel informs that after completion of the investigation, challan has already been presented.

I have heard counsel for the parties and gone through the police file. I have also considered the contention of counsel for the complainant regarding encephalomalacia, alleged to have been detected on the basis of MRI of the brain. Since the injury attributed to Sadam and

Mushtak petitioners has not been declared as dangerous till date despite presentation of challan, it will not be appropriate for this court to consider the said injury as dangerous or grievous to decline the concession of pre-arrest bail to the petitioners.

Taking into consideration the fact that dispute had arisen on account of elections, both the petitions are allowed and it is ordered that in case of arrest of the petitioners, they will be released on bail to the satisfaction of the arresting officer subject to the condition that they will join the investigation as and when required by the police and will not tamper with evidence or hamper the investigation.

Nothing said in this order will effect the merits of the case. Any thing observed regarding the nature of the injury is merely for the purpose of adjudication of the present petition. It is made clear that in case the petitioners indulge in the similar activity or threaten the witnesses, in any manner, it will be open to the prosecution agency or the complainant to seek cancellation of bail.

May 4 ,2016
TSM

(M.M.S.BEDI)
JUDGE