

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

**CRM No.M-8101 of 2016
Date of Decision: 28.03.2016**

Nasim

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HONBLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Vikram Singh, Advocate
for the petitioner.

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

Mr. Balraj Gujjar, Advocate,
for the complainant.

M.M.S. BEDI J. (ORAL)

Petitioner seeks the concession of regular bail in a case registered at the instance of Sajid alleging that the petitioner alongwith five other co-accused came outside the shop of the complainant armed with iron rods, lathi and attacked the complainant.

As per the allegations in FIR, the petitioner had inflicted injury with iron rod on the head of complainant Sajid.

Counsel for the complainant has intervened to oppose the petition for bail contending that the petitioner Nasim has made a disclosure statement to the police admitting that he had inflicted injury on the head of Khurshid.

With the assistance of counsel for the complainant and counsel for the State, I have gone through the police record. As per the medical report, it is Khurshid, who has received a grievous injury whereas it is found in the original version of the complainant Sajid that the petitioner had not been attributed any injury on the head of Khurshid.

The confessional statement made by the petitioner in police custody appears to be prima facie, inadmissible in evidence.

I have seen the injury on the person of Khurshid, which is reported, as per NCCT Head report, to be dangerous to life. The nature of the injury No.1 on the person of Khurshid even if presumed to be dangerous to life fall under grievous injury. The injured has already been discharged from the hospital. The petitioner in such circumstances can be granted the concession of bail.

Without entering into the niceties of the trial and without expression of any opinion on merits of the case, the petition is allowed. Petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the trial Court subject to the condition that he will not make any attempt to tamper with the evidence or hamper further trial.

(M.M.S. BEDI)
JUDGE

28.03.2016

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