

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-11588 of 2017

Date of decision : April 21, 2017

Jasvir Singh @ Jassa and another

....Petitioners

versus

State of Punjab

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr.Manbir Singh Batth, Advocate, for the petitioner
Mr. Rupam Aggarwal, DAG, Punjab, for the respondent/State
Mr. Pranav Handa, Advocate, for the complainant

Fateh Deep Singh, J. (Oral)

The allegations against petitioners Jasvir Singh @ Jassa and Jaskaran Singh in this anticipatory bail application under section 438 Cr.P.C. are that on 26.2.2017 when complainant Rajvir Singh was standing outside his house, petitioners Jaskaran Singh armed with khanda and Jasvir Singh alias Jassa armed with datar whereby Jaskaran Singh raised lalkara for teaching lesson to Rajvir Singh and gave blow of datar on the hands of the complainant side by reverse side hitting on the side of the face near right eye brow and while he had fallen down Jaskaran Singh is alleged to have given khanda blow on the right shoulder and which injury has been opined to be grievous in nature.

Learned counsel for the petitioners contended that the injuries are on non-vital part and the petitioners are ready to join the investigation.

The bail has been sought to be opposed with much vehemence

on the grounds that the petitioners had taken law into their own hands and have caused grievous injuries.

Appreciating the submissions of the two sides, the lone injury is on the right shoulder a non-vital part though has been opined to be grievous in nature but the very emphasis that has been sought to be laid by the counsel for the petitioners that there is no medical evidence and x-ray opinion as to the depth of the cut and thus a debatable issue having arisen as to the very applicability of section 326 IPC.

In view of the aforesaid, the present petition is allowed. In the event of arrest, the petitioners shall be released on bail to the satisfaction of arresting/investigating officer till submission of report under section 173 Cr.P.C. (challan). The petitioners shall, however, join the investigation as and when called for and shall also abide by the conditions specified under section 438 (2) Cr.P.C. Presently the petitioners are directed to join the investigation within seven days from today. Thereafter, petitioners will be permitted to furnish regular bail bonds to the satisfaction of the trial Court.

The observations made herein above shall not be binding on the trial court at the time of trial as these are purely for the disposal of the present bail application.

April 21, 2017
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(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?

Yes/No

Whether Reportable ?

Yes/No