

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

CRM-M No.13428 of 2017
Date of decision: 9th May, 2017

Prabhjot Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. G.S. Jagpal, Advocate for the petitioner.

Mr. Rupam K. Aggarwal, Dy. Advocate General, Punjab
for the respondent/State.

Mr. R.K. Gupta, Advocate for the complainant.

FATEH DEEP SINGH, J.

Allegations against the petitioner Prabhjot Singh in this petition filed under Section 439 Cr.P.C. seeking regular bail in case FIR No.108 dated 01.12.2016 registered at Police Station Sudhar, District Ludhiana under Sections 307/337/338/506 IPC, are that the petitioner and niece of the present complainant Rajinder Kaur namely Kamaljit Kaur had earlier married each other against the wishes of the family of the girl and subsequently a matrimonial dispute arose whereby parties have secured divorce. It is alleged that the petitioner and the complainant as on the date of occurrence were residing in the same locality and on 30.11.2016 while the complainant and others were standing outside their house it is alleged that the petitioner had come along with his co-accused/non-applicant namely Sunny Gujjar on a car bearing registration

No.PB36E-0035 and after reversing hit the same on the complainant leading to fracture of her lower limb.

Contentions of the learned counsel for the petitioner Mr. G.S. Jagpal, Advocate are that initially the petitioner had registered an FIR against the complainant's relations for assaulting him which was compromised and the present FIR is in retaliation and that co-accused Sunny Gujjar has already been released on bail by this Court vide orders dated 07.04.2017 and that the petitioner is in custody since 03.10.2016 and it is a case of pure simple fracture and thus, offence under Section 307 IPC is not made out.

The same is sought to be opposed by learned State counsel Mr. Rupam Kumar Aggarwal, Deputy Advocate General, Punjab and Mr.R.K. Gupta, Advocate who has put in appearance on behalf of the complainant to assist the State, on the grounds that act of the petitioner is with an intention to cause death of the complainant and if allowed bail he would influence the witnesses who are of the same very area.

Appreciating the submissions, records of the State spells out that on 30.11.2016 complainant victim was initially treated at Kalyan Hospital and the MLR shows it to be history of a roadside accident and there is neither any external injury nor bleeding and similarly the treatment record of Dr.Gagandeep Hospital depicts it to be a simple fracture in the shaft of right femur and shows it to be a roadside accident and thus, a serious doubt creeps in the veracity of these allegations and

thus a debatable issue having arisen as to the applicability of Section 307 IPC besides the fact that the entire medical evidence revolves around the record of the private smalltime hospitals and thus truthfulness, if any, is to be determined at the time of trial. The petitioner is behind bars and the investigation and trial are likely to take long time to conclude and culpability if any shall be determined at the time of trial together with the fact that similarly placed co-accused Sunny Gujjar has already been released on bail and even by the principle of parity the petitioner is entitled to grant of relief. Accordingly, he is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Ludhiana.

However, any observation made herein shall not prejudice the case of the parties on merits.

The petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

May 9, 2017

rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No