

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

**CRM-M-1371 of 2017
Date of Decision: April 27, 2017**

Gurbachan Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

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

Mr. J.S. Brar, AAG, Punjab.

FATEH DEEP SINGH, J.

The allegations against the petitioner in this anticipatory bail application under Section 438 Cr.P.C are that on 16.7.2016 the petitioner Gurbachan Singh had attacked the complainant/injured Kulwant Singh and as per the allegations the petitioner is alleged to have given a *daah* blow from the reverse side on the back shoulder of the complainant, whereas, his co-accused-non/applicant Simerdeep Singh @ Sima has given kicks blow on the left arm and other accused Laddi and two more unidentified persons, who were armed with *dandas* also gave injuries to the complainant.

The contentions of the learned counsel for the petitioner that there is not an iota of evidence to show the applicability of Section 307 IPC neither any treatment record nor any medical evidence to support the

case of the prosecution is there.

Learned State counsel on the instructions of ASI Gulzari Lal, Police Station Payal, Khanna has duly conceded lack of medical evidence and to prima facie establish how the injuries attributed to the petitioner or any one of the co-accused are covered under Section 307 IPC.

Keeping in view that the debatable issue has arisen as to the applicability of Section 307 IPC and as is conceded to at bar by the learned State counsel that the remaining co-accused have already been acquitted by the trial Court as the compromise has already been effected between the parties impels this Court to allow the present application for grant of anticipatory bail to the petitioner. In the event of arrest of the petitioner, he be admitted to bail to the satisfaction of the arresting officer/Investigating Officer and that he shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

(FATEH DEEP SINGH)
JUDGE

April 27, 2017
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No