

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-14294 of 2017

Date of decision : May 09, 2017

Gurcharan Singh @ Jagat Singh

....Petitioner

versus

State of Punjab

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr.L.M.Gulati, Advocate, for the petitioner
Mr. Rupam Aggarwal, DAG, Punjab, for the respondent/State

Fateh Deep Singh, J. (Oral)

The allegations against petitioner Gurcharan Singh in this regular bail application under section 439 Cr.P.C. are that on 8.3.2017 the petitioner had assaulted son of complainant Rajinder Kumar , a boy around 11 years by pouring some liquid which entered the stomach of the victim through his mouth and he was admitted to hospital.

The contentions of the counsel for the petitioner are that the petitioner is in custody since 9.3.2017 and that there is no medical evidence to support that the alleged liquid in any manner was a poison or obnoxious to the body and thus prayed for grant of bail to the petitioner.

The bail is sought to be opposed by the learned State counsel but with all fairness the learned State counsel has conceded that even the medical report has opined that the nature of poison is not exactly known but

the symptoms of lethal poisoning were not observed at admission and during stay in the hospital.

Keeping in view the unrebutted medical evidence as to the nature of the liquid, thus a debatable issue having arisen as to the very applicability of section 328 IPC, the period of incarceration and the fact that the trial is not likely to be concluded in near future, without adverting to the merits of the case, the instant application is allowed. Bail to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, Amritsar.

The present petition stands disposed off accordingly.

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.

May 09, 2017

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**(Fateh Deep Singh)
Judge**

Whether speaking/reasoned ?

Yes/No

Whether Reportable ?

Yes/No