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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No. 15290 of 2017

Date of Decision: 30.05.2017

Banti @ Baboo

.....Petitioner

Vs

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Ankush Singla, Advocate,
for the petitioner.

Ms. Rimplejeet Kaur, A.A.G., Punjab.

Mr. Rishu Garg, Advocate,
for the complainant.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No. 13, dated 07.02.2017, under Sections 323, 341, 506 and 34 I.P.C. (Section 307 I.P.C. added later on), registered at Police Station Tallewal, Barnala, District Barnala.

As per allegations in the F.I.R., petitioner Banti @ Baboo gave a blow of iron *dai* just below the right eye of the complainant Sukhdev Singh. Thereafter, the petitioner gave an iron *dai* blow on the head of Jaswinder Singh. The said injury, as per prosecution case, attracted culpability in terms of Section 307 I.P.C. The occurrence took place on 06.02.2017. Injured Jaswinder Singh was treated in Mehal Kalan Civil Dispensary, from where he was referred to Civil Hospital, Barnala, on 06.02.2017 itself. From the Civil Hospital, Barnala, the injured was referred to Ludhiana and was hospitalized in Arora Neuro Centre, on 06.02.2017.

As per injury report, dated 14.02.2017, the injury on the person of Jaswinder Singh was opined to be grievous injury by Dr. Tushar Arora. The injured was discharged from the Arora Neuro Centre on 20.02.2017.

The police has already filed challan on 05.05.2017.

As per assertions made by learned counsel for the complainant, the injured was again hospitalized on 27.02.2017

and on 28.02.2017, surgical procedure was done, in respect of removal of screws, tapping of abscess with evacuation of 10 ml. puss discharged from the injury and the patient was referred to P.G.I. on 02.03.2017.

As per police record, there is no said material available with the police, except the discharge of the injured on 20.02.2017.

As per opinion, dated 27.02.2017, the Doctor of Arora Neuro Centre again gave the opinion regarding injury No. 1, that it can be dangerous to life. Earlier opinion, dated 14.02.2017, and subsequent opinion, dated 27.02.2017, would be debatable as to the surgical procedure adopted by the Hospital.

Since the challan has already been submitted on 05.05.2017, the record of hospitalization of the injured on second occasion is not part of the challan.

The petitioner is in custody for the last three months.

In view of aforesaid, I am of the view that the case of the petitioner can be considered for grant of regular bail at this

stage.

In view of above, without meaning anything on ultimate merits of the case, petition is allowed. Petitioner is ordered to be enlarged on regular bail, subject to his furnishing adequate bail bonds/ surety bonds to the satisfaction of the trial Court.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

May 30, 2017

Apurva

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No