

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

CRM-M-20080 of 2017

Date of Decision: 06 July, 2017

Gagandeep @ Gaggi @ Gagandeep Rai

...Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Parminder Singh -I, Advocate
for the petitioner.

Mr. H.S. Grewal, Addl. A.G. Punjab.

FATEH DEEP SINGH, J.

The allegations against the petitioner in this anticipatory bail application under Section 438 Cr.P.C are that on 11.4.2017 the petitioner along with his co-accused/non-applicants Ram Lal, and Lakhvir have assaulted Yog Raj and Rajinder Kumar, father and son duo.

The contentions of the learned counsel for the petitioner that the petitioner is attributed simple injuries on non-vital part and the lone injury on the head which is attributed to the co-accused as per the contention of the learned counsel for the petitioner is not medically opined to be dangerous to life.

The factual scenario is not disputed by the learned State counsel who readily accepted the fact that neither there is any medical

evidence much less any record of the Government hospital to substantiate the same, thus a debatable issue having arisen as to the very applicability of offence under Section 307 IPC.

Keeping in view the fact that only simple injury is attributed to the petitioner and it would be travesty of justice to send him behind the bars, the present petitions stands allowed. 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 will abide by the conditions as envisaged under Section 438(2) Cr.P.C.

July 06, 2017

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(FATEH DEEP SINGH)
JUDGE

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No