

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

CRM -M-20608 of 2017 (O&M)

Date of decision: 07.07.2017

Jasvir Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. P.S. Ahluwalia, Advocate for the petitioner.

Ms. Bhavna Gupta, DAG, Punjab.

Mr. HPS Sandhu, Advocate for the complainant.

Jitendra Chauhan, J. (Oral)

By filing the present petition, under Section 439 of the Code of Criminal Procedure, the petitioner has sought regular bail in FIR No. 183 dated 17.11.2016, registered under Sections 307, 326, 325, 323, 341 and 148 read with Section 149 of IPC, at Police Station Sadar Samana, District Patiala.

It is contended that after re-investigation in the matter, Section 307 of IPC stands deleted. The police is helping the complainant and cross version recorded by the petitioner was found to be false and the proceedings were initiated against the petitioner's side under Section 193, 195 and 182 of IPC. The proceedings being illegal have been ordered to be deleted by the trial Court. He further states that the injury attributed to the petitioner is on non vital part though

with iron rod but has been shown to be abrasion on the shoulder of complainant Khem Singh. To determine the injuries on the person of the complainant, a Medical Board was constituted to re-examine him, however, despite affording five opportunities including last opportunity on 06.04.2017, the complainant did not appear before the Medical Board. As the complainant failed to appear, the Board on the basis of record opined vide order dated 11.04.2017 that the injuries received even collectively do not amount to dangerous to life. The complainant is a person of criminal antecedents and is involved in as many as 07 FIRs. He further submits that co-accused, Satnam Singh and Kaka Singh have already been granted the concession of bail by this Court. The petitioner is in custody since 29.11.2016.

The learned State counsel acknowledges the factum of deletion of Section 307 of IPC. She states that the supplementary challan is likely to be presented shortly, however, she vehemently opposes the bail application and submits that a specific role and a specific injury has been attributed to the petitioner.

The learned counsel for the complainant also opposes the bail application and states that the petitioner is main accused and he gave iron rod blow on the shoulder of the complainant.

Heard.

Considering the fact that Section 307 of IPC stands deleted and the injury attributed to the petitioner is on non vital part and has been reflected as abrasion and the fact that the Medical Board has opined that

the injuries if taken collectively cannot be termed to be dangerous to life; the investigation stands concluded; the supplementary challan is yet to be presented, without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of trial, on his furnishing bail bonds and surety bonds to the satisfaction of the trial Court.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

07.07.2017
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No