

Sr. No.202
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM No.M-32077 of 2017 (O&M)

Date of Decision:10.11.2017

Ravinder Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Bhavyadeep Walia, Advocate,
for the petitioner.

Mr. T.P.S. Chawla, DAG, Punjab.

TEJINDER SINGH DHINDSA, J.(ORAL)

This is the second petition preferred by the petitioner under Section 439 Cr.P.C. seeking regular bail pending trial in case FIR No.116 dated 22.08.2016, under Sections 307, 326 and 324 IPC, registered at Police Station Sadar Patiala.

Counsel for the parties have been heard.

FIR came to be registered on the statement of Ranjit Kaur in relation to an occurrence that took place on 22.08.2016. Complainant is the wife of the present petitioner.

The attribution to the petitioner is of having attacked the complainant with a *datar* and having inflicted injuries on various parts of the body.

During the course of hearing today, learned State counsel who is on instructions from ASI Inder Jit Singh has referred to the MLR of the complainant upon her examination at Civil Hospital and Medical College, Patiala and has apprised the Court that out of the 04 injuries duly recorded,

injuries No.2 and 3 have been opined to be grievous in nature and injuries

No.1 and 4 have been opined to be simple.

It has gone uncontroverted that injuries No.2 and 3 which have been opined to be grievous in nature are on a non-vital part of the body of the complainant.

On a specific query having been put, it stands conceded that there is no medical opinion recorded as regards any of the injuries suffered by the complainant to be dangerous to life.

Under such circumstances, offence under Section 307 IPC being attracted would be a moot question to be considered by the trial Court.

Petitioner has suffered incarceration since 22.08.2016.

During the course of trial, the complainant already stands examined.

It is not the case made out on behalf of the State that if the concession of bail is granted to the petitioner, he would be in a position to hamper the course of a free and fair trial.

In view of the above, without making any observations on merits of the case and keeping in view the length of incarceration already suffered, petitioner is held entitled to the benefit of bail.

Petition is allowed. Petitioner be enlarged on bail subject to satisfaction of the trial Court/Duty Magistrate, Patiala.

Disposed of.

10.11.2017

vandana

(TEJINDER SINGH DHINDSA)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

No