

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

CRM-M No.32261 of 2017

Date of decision: 5th December, 2017

Omkar

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Neeraj Yadav, Advocate for the petitioner.

Mr. Munish Sharma, Asstt. Advocate General, Haryana
for the respondent/State.

Mr. Atul Yadav, Advocate for the complainant.

FATEH DEEP SINGH, J. (ORAL)

Allegations against the petitioner Omkar in this petition filed under Section 439 Cr.P.C. seeking regular bail in case FIR No.198 dated 04.03.2017 registered at Police Station Sector 10, Gurugram under Sections 307, 325, 506, 120-B IPC, are that on 02.03.2017 petitioner along with three others armed with iron rods and lathis assaulted the complainant Dharamvir and caused him injuries resulting in fractures of fingers of his right hand, elbow and right side of hind limb resulting in registration of the present case and arrest of the petitioner on 25.04.2017.

Contentions of the learned counsel for the petitioner are that the petitioner is behind bars since a long time and that the medical

evidence could not support the fact that the offences of injuries stand covered under Section 307 IPC and the medical evidence does not positively bear it out and that too by a private Surgeon and contrary to what has been the stand of the treating doctor.

Learned State counsel assisted by Mr. Atul Yadav, Advocate representing the complainant has strongly opposed grant of bail to the petitioner on the grounds of heinousness of the offence and seriousness of the allegations and that even on earlier occasion petitioner has assaulted the complainant side and thus, was not entitled to any relief.

Appreciating the submissions, the very wording used by the private doctor, who has opined the injuries to be dangerous to life, is to the following effect:

“injuries on the person of the injured can be classified as dangerous to life if sufficient medical intervention would not have been done in time.”

Thus, a debatable issue having been arisen over the applicability of Section 307 IPC together with the fact that such an opinion has come belatedly and that too, by a private practitioner who was never the treating doctor, as well as the period of incarceration impels this Court to allow the prayer. Accordingly, the petitioner is

ordered to be released on regular bail to the satisfaction of Chief Judicial
Magistrate/Duty Magistrate, Gurugram.

The petition stands disposed off in those terms.

(FATEH DEEP SINGH)
JUDGE

December 5, 2017
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No