

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

CRM-M No.39170 of 2017

Date of decision: 30th October, 2017

Dalip Kumar alias Bhaiya

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Vishavjeet Singh, Advocate for the petitioner.

Mr. Ajay Pal S. Gill, Asstt. Advocate General, Punjab
for the respondent/State.

FATEH DEEP SINGH, J.

Allegations against the petitioner Dalip Kumar alias Bhaiya in this regular bail application filed under Section 439 Cr.P.C. in case FIR No.75 dated 22.03.2017 registered at Police Station Daba, District Ludhiana under Sections 323/452/506/148/149/324/326/201 IPC, are that on 15.03.2017 complainant Deepak Kumar, a scrap dealer, had gone on the asking of Sunil Kumar to his house for settling his account and while they were conversing, 6/7 boys came armed with various weapons comprising of daats, iron rods etc. and started abusing Sunil Kumar and when the complainant intervened, Gaggi accused attached with datar hitting left hand of the complainant, Dalip armed with iron Khanda gave a blow on the left leg of the complainant and out of these persons a blow was given on the right side of abdomen with some sharp weapon and on raising of *raula* the accused ran away.

Contentions of the learned counsel for the petitioner are that only simple injuries are attributed to the petitioner and which are on the non-vital parts of the body and that he is in custody since 21.05.2017 and the trial is not likely to conclude in the near future.

Though on behalf of the State, Mr.Ajay Pal Singh Gill, Assistant Advocate General, Punjab has sought to oppose grant of bail on the grounds that there are eight injuries on the person of the victim and that in view of the heinousness of the offence does not call for grant of relief.

Appreciating the submissions of the two sides, a perusal of the medical evidence shows that injuries on the chest, spine, pelvic and left leg near knee/ankle are only simple injuries and there is only fracture of non-vital part i.e. of fourth metacarpal bone of left hand. Keeping in view that bare perusal of the complainant's version, this injury is still debatable as to which of the accused had caused the same and culpability, if any, shall be determined at the trial which is not likely to conclude in near future. Thus, this Court is of the opinion that further detention of the petitioner in the present case is unwarranted. Accordingly, he is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Ludhiana.

The petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

October 30, 2017

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No