

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-4075 of 2017

Date of decision : February 22, 2017

Subash Kumar

....Petitioner

versus

State of Punjab

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr.JS Dhaliwal, Advocate, for the petitioner
Mr. Gurinderjit Singh, DAG, Punjab for the respondent

Fateh Deep Singh, J. (Oral)

The allegations against petitioner Subash Kumar in this anticipatory bail under section 438 Cr.P.C. are that on 27.8.2016 a fight has ensued between the two sides leading to injuries and registration of the present case.

The contentions of the counsel for the petitioner are that the petitioner is not named in the FIR and that the alleged injury for which offence under section 307 IPC has been slapped is simple rod injury on the leg of the victim Jagtar Singh, a non-vital part. The factual scenario is not disputed by the learned State counsel who has readily acceded to the same. Thus, a debatable issue having arisen over the very applicability of section 307 IPC due to lack of medical evidence and the question of identity of the petitioner and that nothing is to be recovered from him.

In view of the aforesaid, the present petition is allowed. In the event of arrest, the petitioner shall be released on bail to the satisfaction of

arresting/investigating officer till submission of report under section 173 Cr.P.C. (challan). The petitioner shall, however, join the investigation as and when called for and shall also abide by the conditions specified under section 438 (2) Cr.P.C. Thereafter, petitioner will be permitted to furnish regular bail bonds to the satisfaction of the trial Court.

February 22, 2017
'tiwana'

(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?

Yes/No

Whether Reportable ?

Yes/No