

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

CRM-M-42113-2017

Date of decision: 8.11.2017

Yoda Singh @ Yoda

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr.RK Bajaj, Advocate for the petitioner

JITENDRA CHAUHAN, J.

This is second petition under Section 438 of the Code of Criminal Procedure for grant of bail to the petitioner in case FIR no.83 dated 5.5.2017, registered under Sections 307, 323, 324, 379, 148 read with Section 149 IPC at Police Station Division No.7, Jalandhar.

It is contended that earlier bail petition filed by the petitioner was dismissed as withdrawn as the report of the doctor with regard to X-ray had not been received. Now as per the report of X-ray, doctor opined that the injury caused by the petitioner is simple in nature and nothing is to be recovered from the petitioner.

Heard and perused.

As per the FIR, recorded on the statement of the injured-complainant, the petitioner alongwith other co-accused caused 19 injuries to him. The petitioner caused 'darter' blow on the head of the injured. As per the opinion of the doctor, there is complete fracture of

left ulna distal one third in the X-ray and injury No.14 has been declared grievous in nature. Recovery of weapon of offence is yet to be effected.

Moreover, this is the second bail petition and there is no favourable circumstance in favour of the petitioner. After the dismissal of his first bail petition on 7.7.2017, instead of surrendering to the process of the Court, the petitioner has opted to file the instant petition.

Keeping in view the seat of injury and the specific role attributed to the petitioner, no case for bail to the petitioner is made out.

Dismissed.

However, anything observed hereinabove shall not be construed as an expression of opinion on the merits of the case.

8.11.2017
gsv

(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned?
Whether reportable?

Yes / No
Yes / No