

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

**CRM-M-43571 of 2016 (O&M)
Date of Decision: January 27, 2017**

Sanjeev Kumar @ Sonu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Rahul Rathore, Advocate
for the petitioner.

Mr. Munish Sharma, AAG, Haryana.

FATEH DEEP SINGH, J.

The allegations against the petitioner in this regular bail application under Section 439 Cr.P.C are that on 27.9.2016 petitioner along with his co-accused non/applicants Kuldeep, Satish, Suraj and Rajiv had assaulted Pawan Kumar with deadly weapons comprising of sword, lathi, Iron rod and pistol. It is alleged that one of the accused had fired in the air, whereas, his co-accused assaulted the victim and the petitioner has been attributed a *lathi* blow on the waist of the injured-Pawan Kumar which is opined to be a simple in nature and one of the injury on the head of the injured by accused Kuldeep/non-applicant is opined to be dangerous to life.

Learned counsel for the petitioner contends that the petitioner is in custody since 29.9.2016 and only simple injury has been attributed to him and that the trial is not likely to be concluded in near future.

The bail application is stoutly opposed by learned State counsel on the grounds that the injury on the head is opined to be dangerous to life and offence being heinous in nature disentitles the petitioner to any relief and if allowed bail would hamper the trial.

Appreciating the submissions, to the very specific query of the Court learned State counsel could not show any treatment record/bed head ticket pertaining to the victim Pawan Kumar to show gravity of the nature of injury and what is reflected from the medical opinion is to the effect "*I am of the opinion that injury is grievous and dangerous to life*" is in itself suggestive of the credibility of such an opinion.

Thus, the very applicability of Section 307 IPC being a debatable issue and keeping in view the period of incarceration and that trial is not likely to be concluded in near future and no useful purpose would be served by keeping the petitioner behind the bars, without adverting anything on the merits of the case, the present petition for grant of regular bail is allowed. Petitioner be admitted to bail to the satisfaction of the trial Court.

(FATEH DEEP SINGH)
JUDGE

January 27, 2017

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