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

CRM-M-44878 of 2016

Date of decision: February 16, 2017

Vipin Kumar

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present: Mr. H.S. Sullar, Advocate for the petitioner.

A.B. CHAUDHARI, J (Oral)

Heard learned counsel for the petitioner.

There is a challenge to the order dated 02.11.2016 passed in the application under Section 319 of the Code of Criminal Procedure, 1973 summoning the petitioner before the trial Court in a pending trial.

I have perused the impugned order as well as evidence before the Court of PW3-Ramnath who has in terms stated that the petitioner-Vipin hit him by use of *gandasa*.

Learned counsel for the petitioner submits that there is no injury can be attributed to the petitioner by *gandasa*.

In my opinion, the Court cannot, at this stage, decide whether the petitioner had given blow of *gandasa* or not merely because of absence of injury by *gandasa* on the head. It is a matter of appreciation of evidence. Fact remains that Ram Nath clearly stated against the petitioner.

Hence, the prayer for quashing the impugned order dated 02.11.2016 is rejected. The petitioner is however, granted bail and is ordered to be released to the satisfaction of the trial Court in the pending trial in FIR No.58 dated 15.05.2012, under Sections 148, 149, 323, 452, 506 of the Indian Penal Code, 1860, registered at Police Station Shahzadpur, Distrcit Ambala. Petitioner shall furnish bail upon his appearance before the trial Court.

Petition stands disposed of, accordingly.

(A.B. CHAUDHARI)
JUDGE

February 16, 2017

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No