

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

**CRM-M No.4439 of 2017
Date of Decision : 30.05.2017**

Gurpiar Singh

.....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. Harchand S. Batth, Advocate
for the petitioner(s).

Mr. Jasjeet Dhaliwal, Deputy Advocate General, Punjab
for the respondent-State.

FATEH DEEP SINGH, J. (ORAL)

The allegations against the petitioner-Gurpiar Singh in this petition filed under Section 439 Cr.P.C. seeking regular bail in case FIR No.68 dated 30th May, 2016, registered at Police Station City Chhajli, District Sangrur, under Sections 307, 458, 326, 325, 324, 323 IPC, are that on 30th May, 2016, the accused/petitioner armed with sword assaulted the injured/complainant Sokhi Khan and in the process, caused 16 injuries, out of which, injuries No.2, 3, 4 and 5 have been declared to be grievous in nature, all on non-vital parts that is forearm and one on head.

The contentions of learned counsel for the petitioner that none of the alleged injuries, if any, medico-legally falls under the definition of 'dangerous to life' and that the petitioner is behind the bars since 7th June, 2016 and the trial is not likely to conclude in the near future. Though the

learned State Counsel has stoutly opposed the grant of bail to the petitioner however, accepts the fact that there is no medical evidence to support the contentions of the prosecution that the injuries were dangerous to life.

Appreciating the submissions of learned counsel for the petitioner and the own stand of the State that though these four injuries detailed above are grievous in nature, are on non vital part and that there is no medico legal evidence to support the stand of the State by any manner and that the same in any manner are dangerous to life, in the light of of the same, thus, a debatable issue has arisen over the applicability of Section 307 IPC.

Keeping in view the period of incarceration and the fact that applicability and culpability, if any, shall be determined at the trial coupled with the fact that the trial will take a long time to conclude, this Court is of the opinion that further detention of the petitioner in the present case is not warranted. Accordingly, he is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Sangrur.

The present petition stands disposed off accordingly.

May 30, 2017
Dpr

(FATEH DEEP SINGH)
JUDGE

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