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

**CRM-M No.46263 of 2016
Date of Decision: 13.01.2017**

**SHAMSHER SINGH @ JAYKI & ANR
.....Petitioners**

Vs

**STATE OF HARYANA
.....Respondent**

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. P.K. Ganga, Advocate
for the petitioners.

Mr. Pradeep Prakash Chahar, D.A.G., Haryana.

RAJ MOHAN SINGH, J.(Oral)

Petitioners seek grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.271 dated 24.09.2016, registered under Sections 323, 324, 341, 34 IPC and offence under Section 326 (added later on) at Police Station Sadar Dabwali, Distt. Sirsa.

As per prosecution case, petitioner No.1 Shamsheer Singh @ Jayki inflicted an axe blow on the complainant which hit on his left arm. As a result of the aforesaid blow, complainant fell down and thereafter petitioner No.1 gave another blow which landed on his arm. Petitioner No.2-Gurdeep Singh inflicted two

blows with a *gandasa* on the complainant which hit on his right arm and on the lower portion o.f his back. As per material collected by the Police, the injury falling under the mischief of Section 326 IPC is on the ribs of the complainant.

Prima facie, at this stage, no such allegations can be appreciated that the injury contributing towards offence under Section 326 IPC would be by fall of the complainant on account of first injury given by petitioner No.1. The offence is triable by Magistrate and challan has already been presented.

In view of above, without adverting to the merits of the case, I am of the view that petitioners, who are in custody since 10.08.2016 can be enlarged on bail.

In view of above, petition is allowed. Petitioners are ordered to be enlarged on bail, subject to furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

January 13, 2017.

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No