

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

CRM-M No.5243 of 2017

Date of decision: 28th February, 2017

Sham Lal and another

... Petitioners

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Peeush Gagneja, Advocate for the petitioners.

Mr. Gurinderjit Singh, Dy. Advocate General, Punjab
for the respondent/State.

FATEH DEEP SINGH, J. (ORAL)

Allegations against the petitioners Sham Lal and Ram Lal both brothers in this petition filed under Section 438 Cr.P.C. seeking anticipatory bail in case FIR No.44 dated 09.05.2014 registered at Police Station City-2, Abohar, District Fazilka under Sections 325/323/34/326 IPC, are that initially on the complaint of Vikram present case was got registered against the petitioners under Section 325/323/34 IPC and consequent thereupon the petitioners have joined the investigations and subsequently during the course of investigations Section 326 IPC has been added.

Contentions of the learned counsel for the petitioners are that the petitioners have already joined investigations and the alleged injury

so termed to be grievous being a bite on the face by one of the accused is on the non-vital part of the body.

Though on behalf of the State the same is sought to be opposed on the grounds that face of the victim has been disfigured and thus, applicability of Section 326 IPC is made out, however, learned State counsel to the very specific query of the Court could not support his contention as to the applicability of Section 326 IPC as neither any medical evidence much less medical opinion to this effect is forthcoming. Since the petitioners have already joined investigation and nothing is to be recovered from them, impels this Court to allow the prayer.

Accordingly, in the event of arrest, petitioners are ordered to be released on bail to the satisfaction of the Arresting Officer till submission of report under Section 173 Cr.P.C. (challan). They shall continue to join investigation and shall furnish an undertaking that they shall abide by the conditions specified under Section 438 (2) Cr.P.C. Thereafter, petitioners will be permitted to furnish regular bail bonds to the satisfaction of the trial Court.

The petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

February 28, 2017

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No