

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

CRM-M-6295 of 2017

Date of Decision: May 26, 2017

Amar Singh

...Petitioner

Versus

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Dinesh Arora, Advocate
for the petitioner.

Mr. Munish Sharma, AAG, Haryana

Mr. Tapan Yadav, Advocate
for the complainant.

FATEH DEEP SINGH, J.

The allegations against the petitioner Amar Singh in this anticipatory bail application under Section 438 Cr.P.C are that on 9.12.2016 around 7 p.m. the complainant was sipping tea outside his house with his guests and while they were talking the petitioner Amar Singh, Chander Bhan, Lachman, Munim, Gopal, Bharat Lal, Inderjit, Rambir, Udal Ram, Avtar Raju, Krishan, Omveer, Nank and Itwari armed with Axe, Wooden Stick and *farsa* had assaulted him and it is alleged that petitioner Amar Singh gave axe blow on the head of the complainant, whereas, accused Lachman gave *farsa* blow on the head of the Sunil and when Bhagat and Subhash tried to rescue them they were too given injuries.

It is *inter alia* argued by the learned counsel for the

petitioner that initially Offence under Sections 147,148,149,323 and 506 IPC were attracted and the petitioner had joined the investigations but at belated stage Section 307 IPC has been added and that nothing is to be recovered from the petitioner and joining investigations by the petitioner would suffice the purpose.

Learned State counsel has sought to oppose the grant of bail on the grounds that accused side had caused life threatening injuries to the complainant and seriousness of the allegations and heinousness of the offence does not entitle him to any relief.

Admittedly, the petitioner prior to the attraction of offence under Section 307 IPC had joined the investigation and consequent upon orders of interim bail had come so which is not refuted by the learned State counsel who has squarely accepted the same. To the very query of the Court, learned State could not pinpoint any medical evidence to corroborate the fact that any of the injuries to the complainant side was life threatening and injury No.4 on the person of Sunil Kumar and injury No.1 on the person of Subhash are opined to be only grievous in nature, thus, debatable issue has arisen as to the applicability of offence under Section 307 IPC and on the specific query of the Court, learned State counsel was unable to support his contention how the same covered under Section 307 IPC are matters affecting the very credibility of the stand of the prosecution and that culpability, if any, shall be determined at the time of trial. In view thereof, the present petition stands allowed. In the event of arrest of the petitioner, he be admitted to bail to the satisfaction of the arresting officer/Investigating Officer and that he shall abide by the conditions as

envisaged under Section 438(2) Cr.P.C.

(FATEH DEEP SINGH)
JUDGE

May 26, 2017
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No