

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-23215-2018

Date of decision: 16.07.2018

Karandeep Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Vivek Salathia, Advocate
for the petitioner.

Mr. Sidakmeet Sandhu, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in cross-version case bearing GD No.20 dated 14.05.2017 under Sections 323, 324, 326, 336, 341 IPC and Sections 25, 27, 54, 55 of Arms Act in FIR No.24 dated 22.02.2017 under Sections 323, 325, 148, 308 IPC, registered at Police Station Majitha, Amritsar.

Learned counsel for the petitioner submits that the petitioner is in judicial custody since 15.05.2018 and there is a version and cross-version case with regard to the incident and in the cross-version case got registered by the petitioner's side, father of the petitioner suffered injuries and FIR No.24 dated 22.02.2017 was registered under Sections 323, 325, 148, 308 IPC and the complainant got the present GD No.20 dated 14.05.2017 registered against the petitioner and co-accused Rachhpal Singh @ Pappa, who has been granted the

concession of anticipatory bail vide order dated 05.04.2018 passed in CRM-M-24305-2017 (Annexure P-5). It is further submitted that with regard to the injuries sustained by Pargat Singh, the Board of Doctors has opined as under: -

“After reviewing the MLR record, the injuries described in the MLR are present on the peripheral and on the non vital parts of the body. On X-ray examination there are cut fractures present on outer cortex of left ulna and right tibia. Keeping in view all the above findings, the board is of the opinion that for injury No.1 and 2 as described in the MLR, the possibility of friendly hand cannot be ruled out and injury No.3 is subjective in nature.

<i>Sd/-</i>	<i>Sd/-</i>	<i>Sd/-</i>
<i>Dr. Jagjit Singh</i>	<i>Dr. Satnam Singh</i>	<i>Dr. Dhalwinder Singh</i>
<i>Senior Medical Officer</i>	<i>Medical Officer (Surgery)</i>	<i>Medical Officer (Ortho)</i>

Board of Doctors

O/o Civil Surgeon, Amritsar.”

Learned counsel for the petitioner has thus submitted that the injuries are on non-vital parts of the body and the Board of Doctors has opined that it can be sustained by friendly hand and the petitioner is no more required for any further investigation and conclusion of the trial will take some time.

Learned State counsel, on instructions from ASI Mukhtyar Singh, has however submitted that both the injuries are attributed to the petitioner and he is the main accused in the present case.

Without commenting anything on merits of the case, considering the opinion given by the Medical Board that the injuries are on non-vital parts and can be caused by friendly hand and the fact that the petitioner is in judicial custody since 15.05.2018 and it being a case of version and cross-version, it will be decided during the course of trial that which party was acting in self-defence and which was the aggressor party, this petition is allowed and the

petitioner is directed to be released on regular bail subject to furnishing his bail/surety bond to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

16.07.2018

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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No