

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

CRM-M No.25093 of 2018
Date of decision: 8th June, 2018

Som Nath @ Kaku Munshi

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Kunal Dawar, Advocate for the petitioner.

Mr. H.S. Grewal, Addl. Advocate General, Punjab
for the respondent/State.

FATEH DEEP SINGH, J. (ORAL)

This order shall dispose off first regular bail application filed by the petitioner Som Nath alias Kaku Munshi under Section 439 Cr.P.C. in case FIR No.129 dated 20.12.2016 registered at Police Station Nurpurbedi District Rupnagar under Sections 308, 365, 323, 427, 506, 148, 149 IPC.

Brief allegations against the petitioner are that on 19.12.2016, a fight ensued between the complainant Pardeep Kumar and the accused side and it is alleged that the petitioner who was wielding a Danda, has given a blow on the left arm of the complainant.

Contentions of the learned counsel for the petitioner are that the petitioner is behind bars since 06.04.2018 and that the applicability of Section 308 IPC is a debatable issue as there is no medical evidence.

Though on behalf of the State, Mr. H.S. Grewal, Addl. Advocate General, Punjab has sought to oppose the grant of bail with much vehemence on the grounds of heinousness of the offence but has fairly conceded the fact that there is no medical evidence to bring about the injury within the ambit of Section 308 IPC.

Going through the submissions of the two sides, applicability of Section 308 IPC in the absence of any medical evidence being a debatable issue and the fact that the petitioner is behind bars since a long time, and culpability if any shall be determined at the time of trial which is not likely to conclude in the near future. In view thereof, this Court is of the opinion that further detention of the petitioner in the present case is unwarranted. Accordingly, he is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Rupnagar.

The petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

June 8, 2018

rps

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