

Crl. Misc. No. M-31221 of 2018

Date of Decision: September 12, 2018

Ashish Dhawan @ Ashu

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present: Mr. S.P.S. Sidhu, Advocate for the petitioner

Mr. Kirat Singh Sidhu, DAG Punjab

Mr. C.L. Verma, Advocate for the complainant

Sudhir Mittal, J. (Oral)

The petitioner seeks grant of regular bail in case FIR No. 134 dated 28.04.2018 under Sections 307, 323, 34 IPC registered at Police Station Daba, Ludhiana, District Ludhiana.

The contents of the FIR disclose that the petitioner was part of group of people, who hit the injured person. No specific injury is attributed to the petitioner and the head injuries are attributed to one Manu.

Learned counsel for the petitioner submits that the petitioner is 19 years old and he is in custody since 18.05.2018. There is no other criminal case pending against him and that at the first instance no specific role was attributed to him. It was only on 07.05.2018 i.e. 10 days after the incident that the injured person attributed a specific role to the petitioner of causing one injury on the arm and one injury on the head. One of the head injuries has been declared dangerous to life but at this stage it can not be said with any amount of certainty that the injury declared dangerous to life was inflicted by the petitioner. It is further submitted that the head injury was not very serious in nature because the admission record of the injured

person shows that he left the hospital against medical advice on the date he was

admitted i.e. 27.04.2018. Now, investigation is complete and keeping in view the aforementioned facts no useful purpose would be served by keeping the petitioner in custody during the course of the trial.

The prayer is opposed by learned State counsel as well counsel for the complainant by submitting that the head injury has been declared dangerous to life and that the injured person was 70 years old and had to undergo surgery for his treatment. The evidence on record by way of police investigation till date can not conclusively establish that the injury declared dangerous to life was infact inflicted by the petitioner. The fact that the injured person left the hospital against medical advice on the date of incident itself can not be lost sight of. The petitioner is a young person and since the investigation is complete it would not be in the interest of justice to keep him in custody during the course of the trial as the trial may take some time to be concluded.

In view of the above, the petition is allowed and the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court concerned.

September 12, 2018

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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No