

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

CRM-M-38463-2018
Date of decision:13.09.2018

Rafi Kumar and another

.....Petitioners

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Anterpreet Singh, Advocate
for the petitioners.

Ms. Simranjeet Kaur, AAG, Punjab.

GURVINDER SINGH GILL, J. (ORAL)

The petitioners seek grant of regular bail in case registered vide FIR No.213 dated 02.08.2018, under Sections 341, 323 read with Section 34 of Indian Penal Code, 1860 wherein Section 308 of Indian Penal Code, 1860 was added later on, at Police Station Sangrur, District Sangrur.

The FIR in question was lodged at the instance of Varinder Pal Sharma wherein it had been alleged that on the day of occurrence he had taken an injured lady who had sustained injuries in a vehicular accident to Civil Hospital, Sangrur to get her admitted and when he was

coming back from the hospital, the assailants intercepted his car and dragged him out of his car and inflicted several injuries to him. It is further alleged that the complainant made a telephone call to his friend Gulshan Kumar who came there but the assailants snatched the mobile from Gulshan Kumar and caused injuries to him as well.

The learned counsel for the petitioner has submitted that the petitioners have falsely been implicated in the present case and that in any case no offence under Section 308 of Indian Penal Code, 1860 is made out inasmuch as none of the injuries has been caused with sharp edged weapon and that all the injuries are in the nature of abrasions etc. and all are simple injuries. It has further been submitted that in fact the matter has now been compromised amongst the parties and that in these circumstances the petitioners deserve the concession of regular bail.

On the other hand learned State counsel has submitted that in view of the manner in which the petitioners caused injuries, no case is made out for grant of bail to them. It has further been submitted that bearing in mind the number of injuries it can safely be said that the same have been caused with an intention to commit culpable homicide.

I have considered rival submissions addressed before this Court. Bearing in mind the nature of injuries, which are simple in nature and are not caused with any sharp edged weapon, in my opinion, no fruitful purpose would be served by further detaining the petitioners behind bars. The conclusion of trial, in its normal course, is likely to take some time. As such, petitioners-Rafi Kumar and Rattan Singh are ordered to be released on regular bail on their furnishing bail bonds/surety

bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, Sangrur.

This petition stands accepted accordingly.

13.09.2018
Gaurav Sorot

(GURVINDER SINGH GILL)
JUDGE

Whether reasoned / speaking? **Yes / No**

Whether reportable? **Yes / No**